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# ARTICLES

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## **WOMEN BEYOND BARS: A Post-Prison Interview with Jennifer Claypool\* and Wendy Staggs\*\***

Bryonn Bain\*\*\*

IN COLLABORATION WITH THE NARRATIVES OF  
FREEDOM ORAL HISTORY RESEARCH COLLECTIVE  
AND THE UCLA WOMEN'S LAW JOURNAL EDITORS<sup>1</sup>

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\* Born and raised in Orange County, California, Jennifer Claypool completed her GED at the California Institution for Women (CIW), earned her Associates degree in Communication Studies at Chaffey College, and tutored other women in need of academic support and mentorship for four years. Jennifer not only served as a Team Coordinator and Facilitator for The Alternatives to Violence Project (AVP), but was also a Lead Facilitator for Project M.E. (Meaningful Existence) and was selected to be an original facilitator of The Actors' Gang Prison Project at CIW, where she also trained service dogs for Canine Support Teams for more than six years. A founding member of the CIW Think Tank, which guided the establishment of the UCLA Prison Education Program, Jennifer participated as a student in the first UCLA pilot course in a facility, "Narratives of Change," coordinated the Creative Writing Workshop, and helped adapt the hip hop theater remix of L. Frank Baum's classic *The Wonderful Wizard of Oz* as *What It Iz* so it could be staged at the Los Angeles Theater Center (LATC) and at the inaugural Beyond the Bars L.A. Conference. Jennifer played a critical role in the yearlong research and development of a memorandum for the Los Angeles Mayor's Office of Reentry, in collaboration with the International Human Rights Clinic at the UCLA School of Law.

\*\* In addition to being a formerly incarcerated person, Wendy Staggs also worked as a substance abuse counselor within the prison system. Having overcome her own trauma, she has a desire to speak for those who have been silenced not only by their trauma, but by our failing judicial and prison system. Her journey of self-discovery was nurtured by way of participating in the Arts while incarcerated. She has become an outspoken driven force who will not stop speaking out until there is some resolve. Today, Wendy is an Inaugural 2017 UCLA Beyond the Bars Fellow, and is currently enrolled at Mount San Antonio College studying Communications. Wendy is also an Alumni teaching artist for The Actors Gang Prison/Reentry Project, a member of The Anti-Reidivism Coalition and California Coalition for Women Prisoners. Speaking in conferences across the state of California, Wendy has truly found her niche as an activist.

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## PROLOGUE

Jennifer Claypool and Wendy Staggs are inspiring artists, college students, and mothers. They are also returning citizens. Coming home from prison just months apart in 2017, we met and began working together while they were incarcerated at the oldest women's prison in the state: the California Institution for Women (CIW),<sup>2</sup> a prison reported to have a suicide rate five times the state average and eight times the national average.<sup>3</sup>

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\*\*\* Associate Professor, UCLA Department of World Arts & Cultures/ Dance & UCLA Department of African American Studies. Bryonn Bain is a hip hop theater innovator, spoken word poetry champion, prison activist, actor and educator. After teaching the first hip hop and spoken word workshop at Harvard, Bryonn founded the Prison Education Program offering college degrees from NYU to men incarcerated in New York. His courses offer innovative approaches to hip hop/theater, spoken word poetry and critical perspectives on prisons and Justice. In 2016, Bryonn began co-supervising UCLA School of Law's *International Human Rights Clinic* and facilitated an initiative with incarcerated women to develop a needs & resources assessment for the L.A. Mayor's Office of Re-Entry. Bryonn serves proudly as a faculty advisor for *Underground Scholars* and the *Justice Work Group*, which organized their inaugural conference in fall 2017—"Beyond the Bars LA: The End of Mass Incarceration"—for nearly 1000 students, scholars, policy makers, formerly incarcerated activists and community advocates.

1. Research support for the footnotes included in this interview was provided by Annie Le, UCLA Social Science & Comparative Education Ph.D Student, and editors of the *UCLA Women's Law Journal*.

2. The current facility was built in 1952 with 1,398 beds. Today, it incarcerates over 1,800 women. DIVISION OF INTERNAL OVERSIGHT AND RESEARCH & OFFICE OF RESEARCH, WEEKLY REPORT OF POPULATION AS OF MIDNIGHT OCTOBER 10, 2018, CAL. DEP'T OF CORRECTIONS & REHABILITATION, [https://www.cdcr.ca.gov/Reports\\_Research/Offender\\_Information\\_Services\\_Branch/WeeklyWed/TPOP1A/TPOP1Ad181010.pdf](https://www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/WeeklyWed/TPOP1A/TPOP1Ad181010.pdf) [https://perma.cc/BT6X-84EE]; Don Chaddock, *Unlocking History: Original Tehachapi Women's Prison was Novel in Approach*, INSIDE CDCR (Feb. 13, 2015), <https://www.insidecdcr.ca.gov/2015/02/unlocking-history-ciw-tehachapi>.

3. Hillel Aron, *Why Are So Many Inmates Attempting Suicide at the California Institution for Women?*, L.A. WEEKLY (July 20, 2016, 8:08 AM),

Women are the fastest growing population behind bars in the United States. Between 1970 and 2015, the number of women behind bars grew from under 8000 to almost 110,000—a fourteen-fold increase primarily for drug related crimes.<sup>4</sup> In 2015, I joined the faculty of the UCLA and worked with incarcerated and university students, faculty, staff, and a dozen community partner organizations, to launch the UCLA Prison Education Program. By the following spring, I taught the university's first pilot course at CIW.

This interview focuses on the experiences of two women I met while teaching at CIW during the first year of the Prison Education Program. Jennifer, Wendy, and I worked together with a group of visionary, incarcerated women to develop the CIW Think Tank—a committee of women at the prison committed to guiding UCLA in the development of educational opportunities.<sup>5</sup>

At least 95 percent of those incarcerated in state prisons in the United States will return to society.<sup>6</sup> Evidence overwhelmingly suggests education is a leading factor keeping those who come home from prison from ever returning to the inside of a cell.<sup>7</sup>

## I. TRAUMA BEFORE PRISON

*Research shows that incarcerated women have a history of trauma that plays a role in their incarceration. Incarcerated women tend to be survivors of psychological, physical, and sexual abuse.*<sup>8</sup>

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<http://www.laweekly.com/news/why-are-so-many-inmates-attempting-suicide-at-the-california-institution-for-women-7156615>.

4. ELIZABETH SWAVOLA, ET AL., VERA INST. OF JUSTICE & SAFETY & JUSTICE CHALLENGE, *OVERLOOKED: WOMEN AND JAILS IN AN ERA OF REFORM* 6 (2016), [https://storage.googleapis.com/vera-web-assets/downloads/Publications/overlooked-women-and-jails-report/legacy\\_downloads/overlooked-women-and-jails-report-updated.pdf](https://storage.googleapis.com/vera-web-assets/downloads/Publications/overlooked-women-and-jails-report/legacy_downloads/overlooked-women-and-jails-report-updated.pdf); TRT World, *Route 66: Who Is benefitting from California's Cannabis 'Green Rush'?*, YOUTUBE (Mar. 6, 2018), <https://www.youtube.com/watch?v=vBPCrSV9jp4&sns=em>.

5. See Appendix B, *infra*, for information on a project by the CIW Think Tank.

6. TIMOTHY HUGHES & DORIS JAMES WILSON, BUREAU OF JUSTICE STATISTICS, *REENTRY TRENDS IN THE U.S.* (2018), <https://www.bjs.gov/content/reentry/reentry.cfm> [<https://perma.cc/D3T8-F39K>].

7. DEBBIE MUKAMAL ET. AL., STANFORD CRIMINAL JUSTICE CTR. & CHIEF JUSTICE EARL WARREN INST. ON LAW & SOC. POLICY, *DEGREES OF FREEDOM: EXPANDING COLLEGE OPPORTUNITIES FOR CURRENTLY AND FORMERLY INCARCERATED CALIFORNIANS I* (2015), [https://www.law.berkeley.edu/files/DegreesofFreedom2015\\_FullReport.pdf](https://www.law.berkeley.edu/files/DegreesofFreedom2015_FullReport.pdf).

8. See Dana D. DeHart, *Pathways to Prison: Impact of Victimization in the Lives of Incarcerated Women*, 14 VIOLENCE AGAINST WOMEN, 1362, 1362

BRYONN: This is “Women Beyond Bars”: Post-Prison Dialogue with Jennifer Claypool and Wendy Staggs. And it is in an interview being done with the support and collaboration of the *Narratives of Freedom Oral History* project, which is a group at UCLA looking at how to use our history to examine the impact of incarceration on our families. And so, they helped prepare for this conversation and I am very excited to speak with you about your experiences and your journey on what has brought you to this point.

We are going to start this dialogue by looking at your life before your experiences at CIW and acknowledging that we met two years ago at the California Institution for Women. I am definitely going to ask you to talk a little about that, but first let's talk a little bit about your childhood. You're in the early years of your life and what kinds of relationships were most important to you in your first decade or so? Jennifer?

JENNIFER: It was rough growing up. I was also very lonely. I feel like I envied my other friends because their parents were totally involved in their kids' lives and my parents weren't. I tried to do anything I could to get positive attention from them: I got straight A's, I got better grades than my brother did. My grades were never put up on the refrigerator while my brother's grades were . . . . I missed a lot of school growing up, the older I got especially because if I'm not getting rewarded for getting good grades and going to school then why do I? My parents did not put a heavy emphasis on education, it was like this doesn't even matter . . . . My younger brother was born when I was almost eight and then it became my responsibility to take care of him. So, I had to feed him and change diapers and if I went to go hang out with my friends . . . he had to come with me . . . .

The older I got, the less kind of attention I was receiving. So, I was on my own a lot . . . . My mom wasn't there. I started to go to school, I hated taking care of my little brother but I had to do it. It's just part of like every day, my mom wasn't there. And then I would do anything I could to make money. My grandma would give me chores, I would be babysitting, I would do something for my grandpa so I could make my money so I could buy my own things.

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(2008) (analyzing a study of sixty women regarding their experiences of violence and trauma); MALIKA SAADA SAAR ET. AL., THE SEXUAL ABUSE TO PRISON PIPELINE: THE GIRLS' STORY, HUMAN RIGHTS PROJECT FOR GIRLS, GEORGETOWN LAW CENTER ON POVERTY AND INEQUALITY & MS. FOUNDATION FOR WOMEN 7-9 (2015), [https://rights4girls.org/wp-content/uploads/r4g/2015/02/2015\\_COP\\_sexual-abuse\\_layout\\_web-1.pdf](https://rights4girls.org/wp-content/uploads/r4g/2015/02/2015_COP_sexual-abuse_layout_web-1.pdf) [<https://perma.cc/AC32-SDRW>] (“[S]exual abuse is one of the strongest predictors of whether a girl will be charged again after release.”).

I learned very young that I needed to support myself, I need to be independent, I control my emotions so my relationships don't control me, which started off a really bad path for me because then I was closed off from any kind of real connection with people except a couple of friends I had . . . I was going to parties, I was going to raves, I mean I was in ecstasy. They know about the drinking and I started drinking a very young age with them.

My parents knew and it was kind of just like as long as you are home drinking it's okay. But my family just didn't know anything was happening with me, they didn't realize that I was starting to get really depressed because I didn't have—I wasn't getting like you know it sounds really silly cliché, but I wasn't getting that love and affection I needed at home. So, I sought it with friends and drugs and then I too got into a really bad relationship. It wasn't until my senior year, . . . my parents wouldn't let me work until my senior year and they still didn't let me work, but I went and got a job anyways. They didn't know for the first month just because I was just like, oh I have this to do I'm going to my friend's house, and because I wasn't home a lot . . . that's when I was grounded.

BRYONN: What was the job, you know?

JENNIFER: I worked in a pet store, Petland in Orange County. [M]y best friend . . . worked there, then she said hey you could work here too and so I was seventeen. I started working there, it was like right before my senior year, and it was awesome. My parents didn't know about for a while. They didn't want me have a job because they said they want me to focus on school.

BRYONN: So, what were your hours? What was that routine like?

JENNIFER: So, I would get out of school if I actually went to school that day or stayed the whole day. I would [go to] school, I might be at work by 3:00 or 3:30. So I usually take a bus or walk because my parents just . . . if they had a car they weren't going to take me anywhere. And then I'd go to work until about 9:30 at night, which I just loved it. So, in the beginning I just like clean up the dog poop and stuff and feed them and then within about a month maybe they promot[ed me to] the vet tech. So, I gave them their medications, I'd give them their shots. It was really cool. I felt powerful and independent, like I was [a] strong woman who can go conquer the world now.

BRYONN: Where did your parents think you were?

JENNIFER: A friend's house or whatever yeah, because that's where . . . I learned to manipulate, you know . . . But they weren't home. So, a lot of time, they didn't even know . . . that I wasn't going

to school. I forged signatures, or . . . they didn't have a phone line for a while so that totally works for my benefit because if the school is going to call they can't tell them.

We finally [moved] out [of my grandma's house] and they rented a house at the end of my eighth-grade year, which kind of shook my whole world because I should have gone to the high school that I went to middle school and elementary school with all of my friends, but they started me off at a high school that I knew absolutely no one. They let my brother go to the same high school and if we would have taken like the bus together, but they said we were grown up. So, they said we don't want you guys to take the bus that far. So, then that kind of just started rebellion for me.

WENDY: I'm going to say from the earliest age that I can remember, which was three years old, I experienced loss and trauma. My first memory was my Irish Setter, named Penny, laying on our garage floor and I was laying on her stomach crying, telling her that I wouldn't let them take her away. The Humane Society was coming to pick her up because she had a blood disease that was incurable. Then, shortly after that, and I know this sounds trivial, but this is a buildup of all the trauma that ended up happening. My dad was a tour bus driver, so he was gone a lot and it was just my mom and I. When I was around four years old, my mother decided that she wanted to wash my favorite stuffed animal, which was called Fido. I stood at the washing machine and waited. When the washing machine finished and my mother opened it, all that was left of Fido was stuffing. I remember feeling so alone. First I've lost my dog, now I've lost Fido, and my dad's never home. My father left when I was seven. When he was home, my parents never fought or anything, so I didn't know there were issues going on. I didn't understand why he had left us. The day he left was very devastating for my mom and myself. Shortly after that, one of my mom's fellow coworkers' husband molested me. We were at their house for dinner that day and my mom and I had left to get something from the store. In the car I said, "hey what would you do if I told you that Hank touched me?" My mom said, "Oh, that son of a gun, just stay away from him," and when we got back to their house, she went right back into the kitchen and he just proceeded to touch me. I may not have realized at that point, but for me that was a sign that I've already told and nobody is going to help me.<sup>9</sup>

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9. See Lynne Henderson, *Without Narrative: Child Sexual Abuse*, 4 VA. J. SOC. POL'Y & L. 479, 498 ("The denigration of, and backlash against, assertions of child sexual abuse results in part from the fact that sexual abuse, especially of female children, is a harm that exists in an epistemological vacuum

There was a girl who lived across the street from me when I was growing up. I remember her telling me that her dad was molesting her and . . . she said, “It’s a secret only you know. You can’t tell anybody.” One night her father fell through the glass shower door when he was drunk and her mother called my mom over to help with him . . . . So, even in the only friend that I really had I was experiencing trauma; in her life as well as mine. My life started to consist of secrets. It’s just crazy. As far back as I can remember in my childhood, let’s just say from three to twelve, it was loss, secrets and trauma . . . . There was signs long ago, but I was so broken and so filled with trauma that I just wasn’t able to find an outlet for the pain and I got caught up in drugs and all the nonsense that comes with that life.<sup>10</sup>

As time passed, I was never accepted in school. I went to a very rich School District; my backyard fence was the border line of that district, so I lived on the outskirts of this district. My mom came from a farm environment, you know, she’s an outdoors type of person. She doesn’t like makeup or fancy clothes or any of that stuff and she’s a Christian so she’s very simple. I was short, heavy set, and wore glasses. I was made fun of, kicked on and spit on and all these horrible things that children do to each other. I was alone, no siblings and to be honest, food became my friend. It was the thing that comforted me. At ten years old, my mom used to sing in the choir and I was . . .

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and is surrounded by denial, resistance, ignorance, and fear.”). For studies on survivors’ reluctance to disclose child sexual abuse, see Kamala London et al., *Review of the Contemporary Literature on How Children Report Sexual Abuse to Others: Findings, Methodological Issues, and Implications for Forensic Interviewers*, 16 *MEMORY* 29, 31 (2008) (concluding based on a review of retrospective accounts from adults disclosing child sexual abuse that “55–69% of adults indicated that they never told anyone about the sexual abuse during childhood”); see also Delphine Collin Vézina et al., *A Preliminary Mapping of Individual, Relational, and Social Factors that Impede Disclosure of Childhood Sexual Abuse*, 43 *CHILD ABUSE & NEGLECT* 123, 127–31 (2015) (discussing the many barriers that keep survivors of child sexual abuse from coming forward).

10. See Timothy W. Bjorkman, *A State in Shackles: The Effect of a Dysfunctional Childhood on Crime and Imprisonment*, 62 *S.D. L. REV.* 211, 228, 239 (2017) (noting that children who grow up in disadvantaged households or have early adverse life events often experience adverse results later in life such as stress, poor health, alcoholism, and drug use); see also Sharon Dolovich, *Foreword: Incarceration American-Style*, 3 *HARV. L. & POL’Y REV.* 237, 245 (2009) (noting that half of the imprisoned population reported drug or alcohol addiction problems); Myrna S. Raeder, *Gender-Related Issues in a Post-Booker Federal Guidelines World*, 37 *MCGEORGE L. REV.* 691, 697–98 (2006) (discussing the tie between substance abuse and criminality among incarcerated women, noting that many of these women turned to substance abuse as a way to “self-medicate depression . . . or to avoid deeper traumas”).



BRYONN: It's okay, take your time.

WENDY: . . . molested by my church janitor. That went on for over a year.<sup>11</sup> . . . I can honestly say that I never held God responsible. I blamed myself because I liked it. It was a form of attention and I sought it out and I thought it was sick because of that, but it was the only attention that felt good. I didn't tell anybody for sixteen years, I didn't tell anybody that had happened. In fact, I didn't tell my mom until I was in jail on my way to my first prison trip, which was the age of twenty-five.

At thirteen I started experimenting with drugs, weed first. Actually, at twelve, I got drunk for my first time on the parent-teacher conference day. My mom was a teacher, so I knew that she was going to be gone too. That was my first time getting drunk, but then I started to experiment. And the funny thing about my life was that I became very angry. Because I was molested, I had an age-inappropriate knowledge of sex. And so by the time I was thirteen, I had lost my virginity and I started to seek out men. I was a tomboy, I was one of the guys, but I also was very promiscuous, I guess you could say at the young age. I needed to be acknowledged, and junior high I went from being a scum because I was short and ugly wore glasses, or so they say, and then I grew into my weight, stopped wearing glasses and I was very attractive. But they didn't know how to accept me, so they start calling me a slut and I had never even kissed a guy.

I had some anger things going on inside of me—resentment, bitterness. By the time I was in high school, I was using drugs. Of course, I was on the down low, but the one part that was really hard for me: I lived like a double life. I never told my mom the things that went on in school, so my mom didn't know that I had those struggles. I didn't tell my mom that I was molested by the church janitor. I played varsity volleyball and I played in league softball for many years and I did all these activities acting as everything was ok . . . . So, it's kind of strange because I had a normal life and the fact that I lived in the same home my whole life and that my mom was off for the summer, we'd always go travel somewhere. I've been

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11. Religious institutions—particularly the Catholic church—have a history of claims alleging sexual abuse. *See, e.g.,* O'Bryan v. Holy See, 556 F.3d 361 (6th Cir. 2009) (denying a motion to dismiss punitive class action claims for violation of human rights, negligence and breach of fiduciary duty brought against the Roman Catholic clergy by alleged sexual abuse victims); Martinelli v. Bridgeport Roman Catholic Diocesan Corp., 196 F.3d 409, 432 (2d Cir. 1999) (denying the Catholic diocese's motion for judgment as a matter of law after a jury found breach of fiduciary duty of a child who alleged sexual abuse by a priest).

all over the United States. I feel blessed in that aspect and my mom always showed me that she loved me. My grandfather was a very violent alcoholic and my mom's mom died when she was ten. She learned how to do everything just to stay outside the house. She became very successful. She got the Women's Athletic Association award when she graduated and an award for not missing one day of high school. Like I said, she did everything she could to stay out of the house.

Unfortunately, I wasn't built like her. I can literally count on one hand the times I've seen my mom cry. There's no way she can count to the number of times she's seen me cry because I'm a crier. I learned somewhere along the way on my mission or journey of self-discovery that it's okay to cry, you know, it really doesn't matter if I have to cry to get it out, it's okay. And I find that today I feel so well or healthy inside that I don't cry as much as I used to.

My mom kicked me out at nineteen. She kicked me and my stuff out and I remember going to a friend's house and putting all my stuff in their carport and the next day I went down there, somebody had gone through everything. I was devastated. Why would somebody do that? I grew up an only child and I always wanted my friends, I always wanted to be around somebody and I just didn't know yet that that was part of the drug life that that's the things that happen. And I was just so hurt and so crushed and how can people do this to each other? My mom always taught me about trust and about believing in people and, you know, never judging somebody because they had a mohawk or because they had tattoos. She was a high school teacher so she taught me good morals and good ethics, and I loved that about her and loved that she always has been the forgiving person and I in turn had that trait, but it was hard. At twenty-five, I was on my way to prison. I guess we will talk about that next.

**BRYONN:** Did your experience change roles in the years? So, your teenage years until the time you were an adult, when you entered CIW, stuff like that. How did your relationships change? Did the relationships help to address the trauma or do they add to the trauma between your teenage years and your adult years?

**WENDY:** I think they added to the trauma in the sense that . . . So, my freshman year I got kicked out of school for smoking pot on campus at this rich school and the two boys that I got kicked out with, one chose one of the other districts schools and the other boy chose the other one.<sup>12</sup> So, there was no other school and they

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12. See India Geronimo, *Systemic Failure: The School-to-Prison Pipeline and Discrimination Against Poor Minority Students*, 13 J.L. Soc'y 281, 281

wouldn't send us to the same school. So, I remember the Dean saying, "well we'll just send you to West Covina [High School] where your mom can keep an eye on you" and I thought my life was over. But . . . I just learned how to be a manipulator very early on, you know, because that's what was going to get me what I needed. So, I thought my life was over and little did I know it just began. I was able to miss classes sometimes or whatever and just manipulate because all the teachers knew me. All these teachers knew me from the time that I was a baby . . .

I remember all the other broken kids there were. I mean this is the hard part—I had trauma, but I had a stable home. I had a mother that loved me. I didn't want for anything really . . . I had everything I needed. I didn't lack anything. But all the children that I hung with that were all broken and their parents using and divorces . . . there was always this brokenness around my life. We were all a motley crew let's say.

By the time I was in high school, that's when I had become very angry, very angry, it came to where I was supposed to graduate and I was short on credit, so I had to go to night school and I picked up the missing credits. I did graduate the year that I was supposed to—barely, I'm going to say. Then I just kind of started using more and demanding my freedom and my mom's like "listen, if you aren't going to follow the rules, you can just leave you know." And one night I said I'd be back in an hour. I wasn't and I got home, all my stuff was out on the porch—everything. And much later, she told me [she] stood on the other side of the door just crying, but she had been going to tough love classes. That was what they had taught her. You have to stand for what you believe in and that would be the last time I would live with her except for a couple short periods of like a month or two after I'd gotten out of county jails. But I never really have lived with my mom since, I just discovered my own . . .

I got a prison term when I was twenty-five, I got out when I was twenty-eight. I was expected to be an upstanding citizen, and I had never really worked a solid job for more than two or three months, so I went back to school and had my children. I had my daughter and twin boys. Never got married. I went back to school

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(2011) (defining the school-to-prison pipeline as a nationwide trend where poor and minority students are funneled out of the education system and into the criminal justice system); *see also* Rocio Rodríguez Ruíz, Comment, *School-to-Prison Pipeline: An Evaluation of Zero Tolerance Policies and Their Alternatives*, 54 HOUS. L. REV. 803, 803 (2017) (arguing that zero tolerance policies at schools are the main contributor to increasing a child's probability of entering the prison system).

to be a drug and alcohol counselor, which I did. I went back into the prisons and taught as a counselor and shortly after that I left and went into the community. It was during this job that I got into a domestic violence relationship,<sup>13</sup> that ultimately after over a decade of having my life somewhat on track, sent me back out . . . I had never been in that type of relationship. So, ultimately that sent me back to prison ten years later.<sup>14</sup> So, I had a prison term twenty-one years ago, eleven years ago I worked in a prison, and then about ten years later I'm in prison again [at CIW].

## II. SURVIVING PRISON TRAUMA

*The California Institution for Women is the oldest women's prison in California. Its suicide rate is five times the state average,<sup>15</sup> eight times the national average.<sup>16</sup>*

BYRONN: So, you've talked a little bit about your relationships and your routine before you entered CIW. So, when asked, both of

13. Sheryl Pimlott Kubiak et. al, *Differences Among Incarcerated Women with Assaultive Offenses: Isolated Versus Patterned Use of Violence*, 28 J. INTERPERSONAL VIOLENCE 2462 (2013). See COURT SERVS. & OFFENDER SUPERVISION AGENCY, STATISTICS ON WOMEN OFFENDERS, (2016), <https://www.csosa.gov/newsmedia/factsheets/statistics-on-women-offenders-2016.pdf>. (noting that the overwhelming majority of women in prison are survivors of domestic violence); see also Melissa E. Dichter & Sue Osthoff, *Women's Experiences of Abuse as a Risk Factor for Incarceration: A Research Update*, NAT'L ONLINE RES. CTR. ON VIOLENCE AGAINST WOMEN 1 (2015) (reporting that approximately 70–80 percent of incarcerated women experienced intimate partner violence).

14. LARRY BENNETT & PATRICIA BLAND, NAT'L ONLINE RES. CTR. ON VIOLENCE AGAINST WOMEN, SUBSTANCE ABUSE AND INTIMATE PARTNER VIOLENCE 1 (2008) (“A longitudinal study of 3,006 women found that drug use increased the risk of intimate partner violence and intimate partner violence increased the risk of substance use.”). Many women have difficulty succeeding in domestic violence self-defense claims due to a requirement that they fear “imminent” attack. See, e.g., *State v. Norman*, 4 N.C. 253, 254 (1989) (holding that the defendant, who was abused by her husband for over twenty years and was diagnosed with battered spouse syndrome, was not acting in self-defense because there was no fear of imminent death or great bodily harm when she shot him in his sleep).

15. Aron, *supra* note 3.

16. Victoria Law, *Erika Rocha's Suicide Brings Attention to the Dire Need for Mental Health Care in Prison*, REWIRE.NEWS (May 20, 2016, 8:43 AM), <https://rewire.news/article/2016/05/20/erika-rochas-suicide-brings-attention-dire-need-mental-health-care-prison>. CIW's high suicide rates prompted a statewide audit. CAL. STATE AUDITOR, REPORT 2016–131, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION: IT MUST INCREASE ITS EFFORTS TO PREVENT AND RESPOND TO INMATE SUICIDES 1 (2017) “[A]lthough female inmates made up about 4 percent of Corrections' inmate population from 2014 through 2016, they accounted for about 11 percent of the suicides. Almost all of the suicides during this period occurred at [CIW].”

you, about what your expectations were on the day that you were going to CIW for the first time and emotionally what you're experiencing during that first day? Starting with you Wendy.

WENDY: Okay I'm going to say that I have two moments because I went to prison twenty years ago and at that time prison was way different. Well, first of all, it's a privilege being at CIW, the oldest women's prison in the state of California. When it was built, it was designed with the idea of it being like a college campus. It has trees and grass and it has a circle, like a quad or courtyard, where the women used to socialize outside on these concrete tables; playing cards or crocheting; hanging out with their boom boxes and listening to music. I can still remember twenty years ago everybody being outside when O.J. Simpson was found innocent or found not guilty and I can remember the whole yard just exploding because everybody had their radio on that news. This time I wanted so bad to come back to CIW because I know that Chowchilla is built like a level four prison.

It's all brick and eight people to a room, which is a lot more difficult to deal with that many personalities. At CIW, it's two people to the room. When I finally got back down to CIW there was this heaviness; the prison had changed. There was a warden that took away all of the women's clothes, you know, and everything was only white and gray now. You couldn't wear your personal clothes; you couldn't have pretty shirts. I mean back then they would have balls, women had high-heeled shoes, they had formal dresses, they had—there used to be a pool there, there's all these things that were not there anymore and this was more like prison, but there was also a heaviness; an evilness.<sup>17</sup> . . . There was this Linus cloud hovering

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17. The CIW warden during Wendy's first incarceration was John Dovey; Dovey assisted in bringing the Prison Pup Program to CIW, in which CIW inmates trained dogs to become service animals. See Blanca E. Sanchez, *Pups Win Praise from CIW Prisoners*, INLAND VALLEY DAILY BULLETIN (Sept. 19, 2002), LexisNexis Academic. Other programs available to inmates during this time period included Voices from Within, in which CIW inmates recorded audio books for people with visual or learning impairments, and Happy Hats, in which CIW inmates met weekly to sew hats for hospitalized children. See Willoughby Mariano, *Inmates Find Escape in Reading for Others*, CONTRA COSTA TIMES, Feb. 7, 2000, at A12, LexisNexis Academic; Christina Chanes Nystrom, *Inmates Sew "Happy Hats" for Sick Children*, INLAND VALLEY DAILY BULLETIN (Oct. 16, 2003), LexisNexis Academic. During Wendy's second incarceration, the warden was Kimberly Hughes; CIW was suspected of having "systemic and pervasive problems" during this time period. See *Wardens at Two Women's Prisons Retire Amid Abuse, Suicide Claims*, LOS ANGELES TIMES (Aug. 4, 2016), <http://www.latimes.com/local/lanow/la-me-wardens-20160804-snap-story.html> [<https://perma.cc/UA42-5X53>]. At one point, the suicide rate at CIW was eight

over CIW . . . this sadness, it was horrible. People were doing drugs way more than before. There was people all over the place just spun out on speed and gowed out on heroin . . . . It was really a changed environment . . . . There was nothing like what my expectations were and maybe that's what the problem was, is that I had an expectation that it would be the same as it was twenty years prior, but the women's population had changed completely. More gang activity in women, the brokenness and injury, just the rage that I saw across the whole facility was unbelievable. I was on a mission not to be like that. I did everything I could not to be like that, but yeah it was a struggle.

**BRYONN:** What were you emotionally? There was a lot of suicide, emotionally where were you on that first day?

**WENDY:** On the first day I was emotionally better than I was because I'd already been at Chowchilla for three months. So, as far as like my mom not knowing I was going to prison, disappearing and my kids not knowing where I was, all of that had kind of—I had had three months of being clean and so all of that had kind of already disappeared. I dealt with those.<sup>18</sup> Okay this is what it is nobody knows. When I arrived to CCWF (Central California Women's Facility) May 13, 2015, I was completely broken into a million little pieces. I knew that being sober and liberated from that horrible relationship . . . life could only go up from there. Now you got to just pick up the pieces. So, when I got there I had an expectation of it being a better environment, which it still was to me compared to the prison I had been in out there in that relationship, but it just wasn't what I expected. It was different, you know. I myself was not going back to where I'd come from. I mean, I had never in my whole entire life been so broken by an individual, I'd never let anybody take my whole being before and I just . . . had to change. My outlook was different. With my commitment to

times the national average for female prisoners, prompting Senator Connie M. Leyva to call for the state auditor to investigate. *See id.*

18. Under California law, a child may be placed in foster care if “the child’s parent has been incarcerated . . . and cannot arrange for the care of the child.” CAL. WELF & INST. CODE § 300(g). In “arrang[ing] for the care of the child,” the mother is generally required to make the proposed caretaker a temporary legal guardian. *See In re Athena P.*, 103 Cal. App. 4th 617, 629–30 (2002) (terminating incarcerated mother’s parental rights because although she had left her daughter in the care of the child’s grandparents, she had failed to make the child’s grandparents temporary legal guardians). *But see In re S.D.*, 99 Cal. App. 4th 1068, 1078 (2002) (refusing to terminate incarcerated mother’s parental rights because two of her sisters had expressed willingness to care for her son during her incarceration, and the dependency court had gotten involved before she could make further arrangements).

witness for God and serve others, I became free of having to worry about healing myself. Ironically though, doing those two commitments are what drove me to put one foot in front of the other. I became very empowered. I was involved in everything I could get my hands on. The healing process was slowly occurring and I didn't even realize it.

BRYONN: Jennifer, first day at CIW what were you expecting and what were you going through emotionally on that day?

JENNIFER: That first day [at CIW] I was a complete wreck. I was scared out of my mind. I thought I was going to have a heart attack. It was just completely scary. I was twenty-two years old. I was young. I was super naïve. So, right before my incarceration my daily life was just my children. I stayed home with them and they were my lives and I took care of them and that was it. They were my environment, they were my world, my life, my relationships everything . . . [I had] two boys and they became my world and my safety.

I actually had my daughter while I was incarcerated.<sup>19</sup> I was like two weeks pregnant when I got arrested and didn't know, so that in itself was just traumatic.

BRYONN: At CIW?

JENNIFER: No, in jail.

BRYONN: How long were you with her before she was taken away?

JENNIFER: Six hours. At Orange County. At the jail they have—it was like a hospital . . . I was in the main part and the deputy was sitting with me . . . . As long as they were sitting with me I could be with her, but then they wanted to go, so they brought me to the inmate section and took her from me.<sup>20</sup>

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19. The proportion of incarcerated women who are pregnant could be as high as 10 percent. See Estalyn Marquis, *"Nothing Less Than the Dignity of Man": Women Prisoners, Reproductive Health, and Unequal Access to Justice Under the Eighth Amendment*, 106 CAL. L. REV. 203, 210 n. 39 (2018) (estimating that eight to ten percent of women are pregnant when they enter prison, and on average these women remain incarcerated for six to twelve months after giving birth); Laura Dorwart, *Giving Birth in Jail Can Traumatize Women for Decades*, VICE (Jan. 16, 2018), [https://tonic.vice.com/en\\_us/article/kznxav/giving-birth-in-jail-can-traumatize-women-for-decades](https://tonic.vice.com/en_us/article/kznxav/giving-birth-in-jail-can-traumatize-women-for-decades) [<https://perma.cc/TC9S-PRR3>] (estimating that of the roughly 200,000 women currently incarcerated in America, 6–10 percent are pregnant).

20. See Deborah Ahrens, *Incarcerated Childbirth and Broader "Birth Control": Autonomy, Regulation, and the State*, 80 MO. L. REV. 1, 1–30 (2015) (indicating that some mothers are denied the ability to nurse newborns, stay with newborns for any length of time, or introduce newborns to other family



BRYONN: So, you had her for six hours and then how long before you saw her again?

JENNIFER: A month and half, two months maybe.<sup>21</sup> I was completely distraught. Right before I had her, I got the plea bargain of how much time I would take, which was twelve years, and I cried nonstop for two weeks. I mean that's all I did. I'm not exaggerating. I just cried for two weeks. And then after that, I kind of shut everything off. I was distraught and I had all this inner turmoil happening, but I wasn't expressing anything. I wasn't sharing with anybody. I wasn't laughing or crying . . . happy or sad or angry or anything. I was just completely shut off all of my emotions.<sup>22</sup>

[My friends] said jokes that I was just like a zombie, like a robot just going through the motions. It was really, really, terrible and then just being away from my boys. But [my daughter] became my safety while I was in jail. It was just me and her, like we're a team, and even now it's hard for me to cry. I can feel it inside, but I struggle expressing it. I try to watch sad or heart-wrenching movies so I can make myself cry, but it just doesn't really happen. For so long and especially in that environment, I just taught myself to not cry because the tears would start and wouldn't stop. They opened the floodgates.

I definitely experienced postpartum depression.<sup>23</sup> I was completely distraught. Lost in a very dark place with no hope of ever

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members, and outside of a small number of programs, incarcerated mothers are denied ongoing access to their infants).

21. Over half of incarcerated mothers never receive visitation rights while in prison; many are also unable to meet court-mandated family reunification requirements for visitation with their children and consequently lose parental rights. MALIKA SAADA SAAR, JILL C. MORRISON, THE REBECCA PROJECT & NAT'L WOMEN'S LAW CTR., *MOTHERS BEHIND BARS: A STATE-BY-STATE REPORT CARD OF FEDERAL REVIEW ON CONDITIONS OF CONFINEMENT FOR PREGNANT AND PARENTING WOMEN 7-13* (2010) (assessing state and federal laws on a variety of issues of concern for incarcerated women and mothers and indicating that only thirteen states offer any kind of prison program, most of which are limited in availability and duration).

22. See generally Robin Levi et al., *Creating the "Bad Mother": How the U.S. Approach to Pregnancy in Prisons Violates the Right to Be a Mother*, 18 *UCLA Women's L.J.* 1 (2010) (analyzing studies from California that indicate that pregnant women in prison are particularly susceptible to developing mental health problems, and the anticipation and experience of being separated from their babies as well as the uncertainty surrounding their infants' wellbeing causes profound anguish among incarcerated mothers).

23. See Hind A. Beydoun et al., *Intimate Partner Violence Against Adult Women and Its Association with Major Depressive Disorder, Depressive Symptoms and Postpartum Depression: A Systematic Review and Meta-Analysis*, *SOC. SCI. & MED.* 959, 959 (2012), <https://ac.els-cdn.com/>



seeing light again. Or any kind of happiness. It took me years before I could even start to pull myself out. And even more years to start to see some kind of light or reason to keep on pushing, living. I didn't want to. I just wanted to shut everything off. I really didn't want anything. Nothing made me happy or gave me pleasure or made me smile. Same goes for anger, sadness, and fear. I was void of all emotion for a very long time. I've done a lot of work to come out of that darkness, but there are times that I can feel myself slip back in. Times I even wanted to fall back into it; I didn't want to feel pain, even if that cost giving up any feelings of joy I had managed.

But it was hard so that first day, um, I was just so scared. Like I don't want to talk to anybody ever and I heard the worst things ever, people are going to like try to rape me or, you know, like I mean, it's just going to be terrible. The officers are going to be horrible to me, they're going to make me, I don't know, do horrible things or whatever. And then I was just like, I just need to figure out what to do. I need to make, like I don't want to make any friends. I don't want to be alone in this. And then I just kind of had like this resolved feeling—well, I'm just where I'm going to be, so I'm just going to have to . . . have to do it and that works for me. I met a friend on the bus. I was actually going from the VSPW (Valley State Prison for Women) and she was going from see CCWF, they're two institutions right across the street from each other . . . . The buses were together when we're going to CIW and so we met on the bus and then hit it off. We just hung out, talked a little bit. She told me her whole life story of a crime. I had made my mind up and told myself to just not get close to people. It didn't work out

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S0277953612003838/1-s2.0-S0277953612003838-main.pdf?\_tid=00ac99b9-35b4-4444-aeb3-c56ac9b9fd9&acdnat=1526431253\_42d4b16679c96f281eae-45fa5b842b00 (analyzing studies which “suggested two to three-fold increased risk of major depressive disorder and 1.5e2-fold increased risk of elevated depressive symptoms and postpartum depression among women exposed to intimate partner violence relative to non-exposed women”). Recent studies suggest that “although approximately 12% of white mothers in the United States will develop [postpartum depression (PPD)], nearly 38% of low-income mothers and mothers of color will develop PPD. Moreover, the majority of low-income mothers and mothers of color are neither formally diagnosed nor receive appropriate treatment.” Robert H. Keefe et al., *The Challenges of Idealized Mothering: Marginalized Mothers Living with Postpartum*, 18 J. WOMEN & SOC. WORK 221, 222 (2017) (citing Ctr. for Disease Control and Prevention, *Prevalence of self-reported postpartum depressive symptoms—17 states, 2004–2005*, 57 MORBIDITY AND MORTALITY WKLY. REP. 361–66 (2008); U.S. Dep't of Health & Human Servs., *Depression During and After Pregnancy*, <https://www.women-shealth.gov/a-z/topics/depression-during-and-after-pregnancy>).

like and to this day we're still friends. It's been kind of crazy and unbelievable since I first got to CIW July 15, 2009 and it was scary.

BRYONN: You've been home now for . . . ?

JENNIFER: Almost six months, February 27th, only six months.

BRYONN: And Wendy, you have three children also.

WENDY: Two boys and the daughter.

BRYONN: What was your mothering experience like during incarceration and after?

WENDY: During incarceration I had no interaction with my children except the letters that I wrote to them. My daughter and I have totally rebuilt our relationship. She is nineteen and now in her first year of college at CSUSB. However, my twin boys, age sixteen, I've only seen once and are way more reserved about rebuilding our relationship.<sup>24</sup> They want to see me doing well for a period of time first.

JENNIFER: My children were young when I went to jail. They were two and six months old, and I was two weeks pregnant. They didn't know what was happening and were too young to understand. I saw them a few times while I was in jail, before I was sent to prison. As they got older, I couldn't see them anymore, or talk to them on the phone, because they didn't know I was in prison. Needless to say, I really didn't have a mothering experience. I would speak with their grandma on the phone (she was taking care of all three), and she would give me updates on what was happening with them. Every piece of information I was given, via phone call or letter, I have kept and written down in notebooks. This way I can try to know them in some way.

BRYONN: So, before we transition into talking about what's happened since you've come home. Let's talk a little bit about the daily routine at CIW, time in your cell, time with yard, time for

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24. See generally Philip M. Genty, *Procedural Due Process Rights of Incarcerated Parents in Termination of Parental Rights Proceedings: A Fifty State Analysis*, 30 J. FAM. L. 757 (1992) (arguing that incarcerated mothers are more likely than incarcerated fathers to experience family dissolution since mothers are more likely to be the sole caretaker for their children prior to incarceration); see also Deseriee A. Kennedy, *The Good Mother: Mothering, Feminism, and Incarceration*, 18 WM. & MARY J. WOMEN & L. 161 (2012) (suggesting that incarcerated women are likely to suffer higher rates of substance abuse, domestic violence, and domestic abuse that make it more difficult for them to comply with state standards for retaining parental rights; additionally, incarcerated women must overcome stereotypes about effective mothering that likely play into parental termination decisions).

education programs and the arts and how the routine and the relationships, like what that experience was like for you.

WENDY: Women become conditioned to live with these distorted ideas . . . such as it's mandatory to shower three-to-five times a day, you carry bugs in on your clothes, or can't wear shoes on the cell floor. When someone is a lifer, I get that their cell is their home, but the way people live and these unwritten prison rules they follow, only minimizes their ability to remember what the outside world is really like, in turn, making their transition from inside to outside much more difficult.

JENNIFER: Shoes and you're out.

WENDY: People wax their floor and it's super shiny and you leave your shoes at the door.

BRYONN: In the cell?

WENDY: Yes.

BRYONN: How big are these cells?

WENDY: Six by eight.

BRYONN: Six by eight.

WENDY: Yeah.

BRYONN: And it's two people to a cell?

WENDY: Two people and there's a desk and two tall lockers, bunk bed, toilet, and sink.

JENNIFER: I used to joke that I can like stand in the middle cell and I would be in the living room, bedroom, the bathroom, the kitchen, the office, the garage . . .

BRYONN: The bathroom?

JENNIFER: Yeah, the bathroom, all right there.

BRYONN: Any privacy in the bathroom?

WENDY: None, absolutely none.

But for me, I got up at five o'clock every morning. Because I got up at five o'clock, I went straight down on to the floor that nobody else would sit on, but I didn't care, and I did some yoga stretches, detoxifying stretch, and then I got up and I read my Bible, and I made my cup of coffee. Then I would sit and have time with the Lord before I would get dressed for work. I was in the construction PIA for a year where I completed the PIA Carpentry and Laborer Programs.

JENNIFER: Prison Industry Authority. Yeah, if you have a Prison Industry Authority job, that means you haven't been in trouble.

You haven't—it's one of the better jobs. Yeah, everybody hates the sewing factories, but it's still a good—either way I had to start at 7:00 am.<sup>25</sup> So, I didn't go to the chow hall either. I would have one little thing of oatmeal. That was my gig and then I would go and I would take my little lunch. I didn't eat bread, so the only thing I'd have is chicharones because there's still no carbs—lots of fat, but no carbs. We're very limited on food there. Everything that you buy is processed. Everything. Because you don't have a refrigerator.<sup>26</sup>

BRYONN: Were there experiences you had during your incarceration that related to trauma before? How did your prior experiences affect your experience while incarcerated?

WENDY: I was in a very violent relationship prior to my prison term. I then, while in prison, saw three girls slice a girl up and beat the dog snot out of her in a utility closet. Watching that brought an awareness of my abuse that I had never seen from an outside point of view. That drove me to find a way to liberate myself from that horrible trauma that I had experienced and search for avenues of healing. I found healing through the arts and lots of commitment from myself to get better.

BRYONN: So, do you remember learning about the problem of suicides at the prison or when you first realized that was something that was impacting the woman at CIW?

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25. While there is little research regarding whether or not prison jobs translate to post-incarceration employment, some studies indicate incarcerated people who work are less likely to recidivate. See Shawn Bushway, *Reentry and Prison Work Programs*, Urban Institute Reentry Roundtable (May 19–20, 2003), <https://www.urban.org/sites/default/files/publication/59406/410853-Reentry-and-Prison-Work-Programs.PDF> [<https://perma.cc/9BFM-TU4J>] (finding the recidivism rate for incarcerated people who participated in work or treatment programs to be 20 percent less than that for nonparticipants); see also Wendy Sawyer, *How Much Do Incarcerated People Earn in Each State?*, PRISON POLICY INITIATIVE (Apr. 10, 2017), <https://www.prisonpolicy.org/blog/2017/04/10/wages> [<https://perma.cc/4SS4-WTQA>] (finding that the daily wage for regular prison jobs ranged on average between 86 cents and \$3.45 in 2003; in six states these jobs were unpaid).

26. See Avi Brisman, *Fair Fare?: Food as Contested Terrain in U.S. Prisons and Jails*, 15 GEO. J. ON POVERTY L. & POL'Y 49, 54 (2008) (“[I]nmates experience little variety in the types of food and meals they receive and in how the meals are prepared. They possess little autonomy over when, where and with whom they can eat, how long they can take for their meals, and even how they may be dressed when they eat.”). Cf. Joe Fassler & Claire Brown, *Prison Food Is Making Inmates Disproportionately Sick*, ATLANTIC (Dec. 27, 2017), <https://www.theatlantic.com/health/archive/2017/12/prison-food-sickness-america/549179> (discussing evidence that suggests that “correctional inmates are 6.4 times more likely to suffer from a food-related illness than the general population”).

WENDY: I hadn't heard about the numerous attempts and the actual suicides that had taken place, but October 18th of 2015, I found my twenty-six-year-old bunkie hanging in the middle the night. I was woken up by her feet hitting the wall and I can remember just getting up and going, oh babe, and just lifting her up so the straps would loosen. There was twenty-seven straps that she had wrapped around her neck. Some of them leather camp boot laces. At that moment, it was what it was.

My mom was a PE teacher, so I had been taught health and first aid and CPR since the time I was nine. So . . . your instinct kind of just kicks into overdrive. So, I did save her life but after, it was the after that really got to me. I just didn't know how I felt about it. I couldn't focus. It just made me really sad. She never spoke to me again, but at that point I made a conscious decision that I never wanted my life to be that hopeless . . . I think there was three other suicides that happened in the time that I was there and it was so large that it was eight times higher than anywhere else in the nation and five times higher than anywhere else in the state of California. It was a big deal.

BRYONN: How did that feel having saved your bunkie's life and then having her not speak to you?

WENDY: So . . . at first I was kind of hurt. Not bitter. I was hurt, but then I realized that her three-year-old son still had a mom and that her parents still had a daughter and that I did what I did because it wouldn't matter who it was. Even if it was somebody that I didn't care for, I think the act of humanity everybody deserves. So, I tried really hard after I talked about it with the psychologist, telling him I didn't know how I felt.<sup>27</sup> I tried really hard not to personalize it because what she did had nothing to do with me. It's just I happen to be the one that helped her. My counselor had come to me and had said, you know, there's this thing called a meritorious act and if we can get it approved, you know, you'll get a year off

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27. See Sharyn Adams et al., *Trauma-Informed and Evidence-Based Practices and Programs to Address Trauma in Correctional Settings*, ILL. CRIM. JUST. INFO. AUTH. (July 25, 2017), <http://www.icjia.state.il.us/articles/trauma-informed-and-evidence-based-practices-and-programs-to-address-trauma-in-correctional-settings> [https://perma.cc/LE7K-T9KC] (discussing the prevalence of trauma and re-traumatization among inmates and models for trauma-informed care in the institutional setting); see, e.g., Marisa Taylor, *A New Way to Treat Women's Mental Health in Prison*, AL JAZEERA AMERICA (July 31, 2015), <http://america.aljazeera.com/multimedia/2015/7/women-in-prison-find-common-ground-in-trauma.html> [https://perma.cc/4MSE-HA5K] (describing a successful trauma-informed mental health program in a California women's prison).

your sentence? For five months he searched and searched everywhere and could not find any information or record on it. None of the 7219s that were done, there were no paperwork, nothing in the log books. The incident has just mysteriously disappeared.

BRYONN: What's a 7219?

WENDY: A 7219 is a form that they do when you go to the infirmary or medical, where they check your body for any injuries. She lived in my room and she had been beaten up the night before. Her whole face was black and I was the roommate. So, they wanted to know if I had marks as well. Of course the spotlight was on me. I didn't have any marks. My counselor looked for five months and could not find any documentation whatsoever . . . . All the paperwork had mysteriously disappeared.<sup>28</sup> And that, to me, was a sign of the administration and Warden's desperation to cover up any attempts of suicide. CIW made international news because of how high the suicide rate was.<sup>29</sup> Eight times higher than any other facility in the U.S. and five times higher than any other facility in the state of California.

But I had to let it go and not take it personal. I know that the strength through me was God. It wasn't me, you know, it just was kind of a natural reaction, but I had to not personalize it. However, Mr. Chacon informed me that he had interviewed my old cellmate. He said when asked, she replied, "I would not be here if it were not for Wendy's actions." When he told me that, I broke down in tears. That was all I needed to hear. You see after the incident, she never spoke to me again. So to hear that she felt that way filled my heart.

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28. See Sara Mayeux, *The Unconstitutional Horrors of Prison Overcrowding*, NEWSWEEK (Mar. 22, 2015, 2:55PM), <http://www.newsweek.com/unconstitutional-horrors-prison-overcrowding-315640> [<https://perma.cc/Q25D-8MBA>] ("In many California prisons, the system of medical record-keeping amounted to piles of documents strewn around spare rooms with no apparent organizational structure."); *Moreland v. Virga*, No. CIV S-10-2701-GGH, 2011 WL 476543 (E.D.Cal. Feb.4, 2011) (dismissing pro se plaintiff's claim that his due process rights had been violated because he was the victim of erroneous prison recordkeeping, and that prison officials have failed to protect him by not incarcerating him under the correct name, thereby, subjecting him to cruel and unusual punishment).

29. See, e.g., Jessica Pishko, '*The System Failed Her*': Behind a Suicide Spike at a California Women's Prison, GUARDIAN, <https://www.theguardian.com/us-news/2016/may/10/suicide-california-womens-prison-mental-health>.

### III. EDUCATION AND THE ARTS

*Education is the strongest protective factor against recidivism. Not only does it empower incarcerated students, it is empirically proven to lessen negative effects of self-stigma.*<sup>30</sup>

JENNIFER: [Responding to Bryonn's question regarding "the daily routine at CIW, time in you cell, time with yard, time for education programs and the arts."] In the end I was pretty active. I would get up first thing in the morning and I would tutor someone or I would help my roommate with her homework. She was also one of my students. I was helping the community resource center run a project called Project Me to help some of the women who had some behavioral or drug problems, kind of like we belong in the mix or most commonly misfits. They had some problems in the institution, they needed some guidance, maybe they couldn't sit for a five-hour program on a weekend or something. So, we came up with a curriculum to give them small doses of the different programs over there. I did that five days a week.

I did what is called AVP, Alternative Violence Project, and that's my passion, my love. AVP was also really big for me because I learned a lot about myself. I was a team coordinator for the non-profit organization that works to build self-esteem in individuals and brainstorm ways to deal with conflict nonviolently. Community building is really important, team-building, communication, all this other wonderful stuff. And there's workshops, so I brought many workshops to Project Me. I did the workshops as a participant and sort of facilitating, so it made me rise to my own expectations of myself and be who I wanted to be because if I wasn't, then how can I facilitate for the people. So, I would do that three times a week, so the women can get their hours and get their completion. We also did like exercise, so once a week we would like to walk around the prison. So, at least just getting them moving. We also did like a goal planning one.

Chaffey College, getting my degree . . . was really huge for me.<sup>31</sup> I never put emphasis on education. I always loved school for

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30. Douglas N. Evans, Emily Pelletier, & Jason Szkola, *Education in Prison and the Self-Stigma: Empowerment Continuum*, 64 CRIME & DELINQ. 255, 255 (2018) ("[I]ncarceration influences self-stigma, but education enhances a sense of empowerment and motivation to resist the negative effects of self-stigma. Reducing the stigmatization of formerly incarcerated individuals is important because if they view themselves positively, it can improve their reentry and life trajectory.").

31. See Lois M Davis et al., *Evaluating the Effectiveness of Correctional Education*, RAND CORP. 33 (2013), [https://www.bja.gov/Publications/RAND\\_Correctional-Education-Meta-Analysis.pdf](https://www.bja.gov/Publications/RAND_Correctional-Education-Meta-Analysis.pdf) [<https://perma.cc/VQY4-SNZQ>]



the most part and accepted that it wasn't for me, that getting a higher education wasn't for me. But [school] showed me that I may be a criminal, but I can still be treated like a human being. [The courses] were amazing. [The instructors] didn't give us an easy time, like "oh, because poor you we will go easy on you." No. You have to work just as hard with less resources. And you can still do it. Your past doesn't have to make your future, you know, you can just be a component of it, so that was really huge.

I would definitely have to say when UCLA came in, that was just another life changer for me. Chaffey is a community college, so I still felt I was at a lower level, that I couldn't make it past anything great, I could never be anything great, I couldn't do great things. I could do mediocre, but then [UCLA Prison Education Program]<sup>32</sup> came in and I was doing Actors' Gang.<sup>33</sup>

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(finding participation in correctional education to reduce recidivism rates within three years of release by approximately 13 percent).

32. Launched in 2016, the UCLA Prison Education Program was created to offer higher education to incarcerated students, and to provide UCLA students and faculty with opportunities to teach and learn in life-changing, collaborative learning communities. See UCLA PRISON EDUCATION PROGRAM, <http://www.uclaprisoned.org> (last visited May 29, 2018). An overwhelming amount of women at the California Institution for Women (CIW) expressed interest in UCLA courses. Since then, workshops and lectures have been offered at CIW by UCLA faculty from departments including Philosophy, History, Law, Urban Planning, African American Studies, Chicana/o Studies, Writing Programs, and Biochemistry. In Spring 2016, the Prison Education Program offered a pilot course with students enrolled from both CIW and UCLA meeting weekly at the prison. Women incarcerated at CIW completed the same coursework as the UCLA students, and received the same transferable academic credits through UCLA Extension.

33. The Actors' Gang Prison Project provides workshops in California prisons in order "to unlock human potential in the interest of effective rehabilitation." *Prison Project, THE ACTORS' GANG*, <http://theactorsgang.com/prison-project> (last visited May 29, 2018). The Prison Project's weekly and intensive workshops in prisons, weekly reentry program, and newly designed program for correctional officers have created a profound impact for people who are incarcerated and work in prisons, as well as their families. According to California Department of Corrections and Rehabilitation's (CDCR) preliminary analysis, the recidivism rate for people in prison who complete the program is 10.6 percent, as compared to California's recidivism rate of 61 percent. *Prison Project, THE ACTORS' GANG*, <https://theactorsgang.nationbuilder.com/theprisonproject> (last visited May 29, 2018). In addition, there is an 89 percent decrease in disciplinary incidences for those who complete the course in prison. Robert J. Benz, *Incarceration and the Liberating Effect of the Arts*, HUFFINGTON POST (July 20, 2017, 10:59 AM), [https://www.huffingtonpost.com/entry/incarceration-and-the-liberating-effects-of-the-arts\\_us\\_5945a4f3e4b024b7e0df4cb6](https://www.huffingtonpost.com/entry/incarceration-and-the-liberating-effects-of-the-arts_us_5945a4f3e4b024b7e0df4cb6) [<https://perma.cc/R5BA-9VHY>] (citing Larry Brewster, *The Impact of Prison Arts Programs on Inmate Attitudes and Behavior: A Quantitative Evaluation*, 11 JUST. POL'Y J. 1, 1 (2014) [<https://perma.cc/7G4B-L97U>]).



BRYONN: And Actors' Gang is . . . ?

WENDY: Actors' Gang is also a program that is in there. It's a prison project that came from a theater called The Actors' Gang. Actor Tim Robbins and some other UCLA students that he graduated with thirty-five years ago put together the Theater. Sabra Williams, also an actor, became a member of the theatre and started and founded The Actors' Gang Prison Project and they've been in the prison system for twelve years now. They're also in some juvenile camps and have more recently started two reentry programs as well.

JENNIFER: Actors' Gang was also really important because it made me deal with my emotions, made me actually feel. It made me start to become more emotionally aware. I will talk all day long to other people and help them and facilitate them working with their own emotions, but I won't do the same, so it forced me to. It forced me to identify my emotions inside of me, deal with them, manage them and then push on from them, you know, like not get stuck inside of them and kind of just let them control me and that was really huge.

The Think Tank . . . gave me purpose . . . . It made me feel good about myself and confident that like I could keep up with the other women in the Think Tank, like their education levels, and they're just really freaking amazing and like I can rise. Some of the time I can rise to them and I can work with them.<sup>34</sup> And so, I must have these good qualities in me and it was really cool for me and it pushed me because they accepted me, and you accepted me, and UCLA accepted me and CIW accepted me, but I wasn't accepting. So I pushed myself working with these women and everybody else with UCLA and CIW who had really amazing educational backgrounds.

Working on What It Iz . . . was really, really, fun and it was more than fun.<sup>35</sup> Adapting it became a part of who I was. It's just

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34. The CIW Think Tank is a committee of women at the prison committed to guiding UCLA in the development of educational opportunities. The Think Tank, in collaboration with the International Human Rights Clinic at UCLA and community stakeholders, have used human rights standards to analyze and make policy recommendations to build a more just system. Through a survey of currently incarcerated women, with the help of the International Human Rights Clinic at UCLA, the Think Tank identified housing and employment as two urgent priorities for reentry. See *supra* Appendix B.

35. What It Iz is a prison abolitionist hip hop theater remix of The Wiz, adapted by women incarcerated at CIW. A fusion of traditional musical theatre, hip-hop, and spoken-word poetics, this "Spokenwordical" is inspired by the 1975 musical The Wiz. What It Iz is a journey of self-discovery from the

another thing to add to all the things . . . I was doing and it was just something that I really looked forward to. I got to hang out with people. We went over this script and it was just really cool working through ideas—like, “Okay well this would work” and then hearing someone else say, “Oh gosh, you’re totally right. This would work better,” and it was cool how there were so many different people in the room. So many different ideas and brains and thoughts and emotion could come together to put something together and we didn’t have any conflict. We didn’t have any kind of BS. It was fun, but it gave me a sense of fulfillment, like I’m doing something, not just working.

I have no idea what I wanted to be when I grow up but it’s a good feeling because now I have options. Now there’s so many different things that I can do because of all the work that I do while I was incarcerated. I stayed busy. I did so many different programs. I was in education. I was in fun, silly stuff like creative writing and *What It Iz*. I did nonviolence workshops. I did anything under the sun. I found out that I’m an amazing painter. I had no clue, just superb random painting class and it was beautiful. I’m 100 percent satisfied with my life and what I’m capable of. I wouldn’t have known that if I wouldn’t try it.

WENDY: The second day I was there, I was already singing in the choir. I literally found everything I can possibly do to keep myself from being locked up. Even though I was out and in a relationship, I was locked up in the middle of the desert without a friend in sight. I didn’t want to be locked in a little cell either and I just wanted to be a part of things. I did things that didn’t normally have to do with me, like the black education awareness team. I became a big part of that. I was gone out of my cell all the time. I became a Women’s Advisory Council member. I was the white representative in in my unit. There are four reps to a unit: white, black, hispanic, and other; we were between the population and the staff. When there were concerns, we were the people that were the liaisons, I guess you could say. I kept myself busy in tons of positive things and I think, you know, ultimately Jen and I were in the same unit, but ultimately the region that we met was through Actors’ Gang mostly . . . .

It’s absolutely imperative to discuss the arts in my life and the effect they had in my life. The arts became my number one vessel in where I discovered healing. I was in a singing group, I was in the Actors’ gang, I was in Annie Buckley’s Community Based Art

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birth of hip-hop through the social and political corruption that fuels the current incarceration epidemic.

Program from Cal State San Bernardino, where we would use all different types of mediums to create art. Then really finding this place of safety in my writing and being able to actually share it. Not only share it but to hear other things that people had written and their pain and it being so raw and feeling so a part that I was writing about things that had happened to me. I feel like I had overcome them and part of the way to overcome them was by engaging in somebody else's pain, understanding where they're going, where they are coming from and how we can all heal together.<sup>36</sup>

[The arts] is what I'm advocating for. I would like to see a mandatory four hours of arts instead of us working forty hours. I think we should work thirty-six and four of art. I don't believe that everybody got to be a child. I don't believe that everybody's environment allowed them to be a child and their childhood could have been taken away by many different things: gangs, drugs, molestation. That's why art is there, that's why music is there—it's for that inner, most sacred part of you to find a place of happiness and unity with everybody else.

I remember when we finished revising the last page [of *What It Iz*][a script] I remember us flipping to the last page, we were back in the Chaffee School Room. I remember feeling this accomplishment and gratitude. Getting out and becoming a UCLA Inaugural Beyond the Bars Fellow and actually getting to see the play *What It Iz* at our conference was amazing. I remember at CIW discussing whether or not Dorothy should have Chucks or Jordans on her feet to meet this day . . .

BRYONN: [laughter]

WENDY: To see all those little details that nobody else in the room would have understood except for us was awesome.

JENNIFER: Again, the names . . . . One of the girls' sons had been shot and killed . . . at Long Beach.<sup>37</sup>

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36. See Larry Brewster, *The Impact of Prison Arts Programs on Inmate Attitudes and Behavior: A Quantitative Evaluation*, 11 JUST. POL'Y J. 1 (2014) (finding that arts therapy programs benefit inmates by enhancing life effectiveness skills, social skills, confidence, and motivation); Lyle Zimskind, *Arts-in-Corrections Program Returns to California Prisons*, KCET (June 24, 2014), <https://www.kcet.org/shows/artbound/arts-in-corrections-program-returns-to-california-prisons> [<https://perma.cc/6C52-TPG4>] (discussing the rehabilitative benefits of arts therapy programs, including the Actors' Gang, in California prisons).

37. Tyler Woods, age nineteen, was killed in his neighborhood by Long Beach police officers in 2013. James Queally, *Long Beach to Pay Nearly \$3 million After Shooting Unarmed Man 19 Times in 2013*, L.A. TIMES (Jun. 23, 2016), <http://www.latimes.com/local/lanow/la-me-ln-tyler-woods-long-beach-20160623-snap-story.html>. Following his death, a district court awarded Woods'

WENDY: Yes, by police and we all asked her if it would be okay if we could honor her son by putting his name into that. And that's another thing is that not everybody—well, they hear that name. Well, maybe they're looking it up on Google to see, you know, what really happened. I think that those little intricacies that only we knew because we helped revise it was so personal and just so magnifying in the place. When I saw Jennifer there I was so happy because work that we had done together in many different avenues has been so gratifying.

BRYONN: And now it'll be immortalized again in this interview when it is published and folks read about it. I will tell you that all the actors in the cast—I explained to them what we talked about in each scene as they learned each scene . . . . I got to say you know the conference had between 700–1000 people show up. We had very different people or more every night for the show and Rosario Dawson<sup>38</sup> came. She was moved . . .

JENNIFER: She treated me like I was a star.

WENDY: I remember her telling about the story, she was just like, “oh my gosh, you know, like I can't believe I am meeting you!”

BRYONN: Scott Budnick came . . . Rick Ross came, Melina Abdullah from BlackLivesMatter LA came, Jason Dorsey, one of the writers (of “What It Iz”) from the East Coast came, but having you out there . . . was a highlight.<sup>39</sup>

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family over \$1 million in damages, including punitive damages, after a jury's verdict that the officers had used excessive force against him. *Woods v. Fagan*, No. CV 14-08374 VAP (SPx), 2016 WL 4778896 (C.D. Cal. July 7, 2016). On appeal, the Ninth Circuit affirmed the district court's judgment following the jury verdict, noting that “ample evidence supported Appellees' theory that Woods posed no immediate threat to Appellants or the surrounding community; that Appellants therefore had sufficient time, both before and during the shooting, to deliberate over Woods's safety and the necessity of deadly force; and that they in fact did so.” *Woods v. Fagan*, 714 F. App'x 814, 815 (9th Cir. 2018). Long Beach also agreed to pay Woods' son, who was a baby when he was killed, \$1.9 million. Queally, *supra* note 37.

38. Rosario Dawson is an actress (*Rent*, *Men in Black*, etc.) and activist. She is a supporter and cofounding member of Sankofa.org, an organization launched by Harry Belafonte to end youth incarceration using art and activism.

39. Scott Budnick is the producer of *The Hangover* and *War Dogs* as well as the founder of the Anti-Recidivism Coalition. He served as a panelist at the inaugural UCLA Conference, “Beyond the Bars LA 2017: The End of Mass Incarceration.” Melina Abdullah is the Chair of the Pan-African Studies Department at Cal State Los Angeles. She also served as a panelist at the Beyond the Bars Conference. Jason Dorsey is a founding member of Blackout Arts Collective in New Haven. He is a writer for *What It Iz*.

WENDY: I think that was probably my favorite piece as far as personality or being personal with that. Here we have the man who actually put the What It Iz together and I got to share with Jason out on the porch of the theatre my What It Iz poem that I wrote which of course was inspired by revising the What It Iz script.<sup>40</sup> . . . I just felt really honored.

BRYONN: Well, having you there was a real honor and a privilege to me.

#### IV. SELF-LOVE AND ACCEPTANCE

BRYONN: We asked about where you were emotionally on your first day at CIW. What was it like on your last day?

JENNIFER: My last day was unreal, like something out of a psychological thriller. I wasn't quite sure what was real and what wasn't. Am I making this all up? Are they really going to let me out? I barely slept the night before because of course I procrastinated and didn't have everything ready. I guess I never truly believed the day would come. I woke up super early so I could spend some uninterrupted time with my thoughts and emotions before my entire world shifted. Disbelief was overwhelming and overpowering just about everything. I talked to my family pretty early and that's when the excitement kicked in. Finally! I get to be free and with my family again. That changed quickly, though. My friends started coming by to say bye, and I thought my heart would break. I was sad I had to leave them all behind, devastated they had to stay in such a dark and lonely place. On top of that, I thought, "Why do I get to leave here and be free when there are so many far more deserving women who need to go home?" and "What if I can't make it out there? What if I can't transition? What if I can't do this or that? . . . What if I fail?" And the list goes on. I was on the twistiest, scary, emotional roller-coaster I had ever willingly jumped on. I think that I was so afraid of being happy about finally getting out that I did whatever I could to feel anything but joy. I have always been secretly fearful of anything that brings a smile to my face, a pep in my step, a giggle to my lips, or a lightness to my heart. So afraid that it would all come crashing down somehow. That's just a part of what I felt that day. It was a vicious cycle of those wonderful things called emotions.

BRYONN: Californians for Safety and Justice found that there are over 4800 things that you cannot do once you come home if you have a felony on your record.<sup>41</sup> So, what were the greatest challeng-

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40. See "What It Iz" by Little Wendy Woo *supra* Appendix A.

41. CALIFORNIANS FOR SAFETY AND JUSTICE, HOW TO ORGANIZE A RECORD

es still inside, but also coming home between family relationships, healthcare, employment, housing, education? What were the biggest challenges coming home? And let's start with the challenges on the inside. What was the single biggest challenge for you at CIW and the single biggest challenge for you coming home?

JENNIFER: The greatest challenge since CIW was finding myself and my identity: who I am, what are my morals, what do I believe in, what makes me who I am, what things do I like, what do I want in a friend, what kind of friend do I want to be, what kind of worker or employee I would be, what kind of boss do I want to be. I didn't know anything about myself because I had completely been molded into what someone else wanted me to be and that was really challenging for me and especially in an environment where I want to get close to people. So, how can I learn about myself if I don't interact with other people? When you're by yourself you can try to learn something but you can't.

For me, interacting with other people really opened my eyes to who I am and what I want in life and that was really hard for me. It took quite a few years because I was struggling with the shame . . . . I'm kind of cool with myself and I like what I'm doing, but I'm a horrible person because I've had this horrible thing and so I shouldn't get all of these things that I'm getting, I don't deserve this and deserve to have the friends that I have, the job I have. It's been the same challenge coming out—now I have to find myself all over again. I found my identity inside and I had a life for myself and a purpose and I really made the best out of my time in there.

WENDY: This is going to sound so simplistic but I didn't have needs or wants. I chose to make good decisions and walked in a power greater than myself. I stopped trying to control everything. Everything just started to change. I literally hit my knees and told the Lord, "I'm going to witness for you and I'm going to serve others. I just kept doing that and I kept finding other people that were way worse off than I was. I lived with a happy heart. I would pray with people and let the way I lived my life be my testament. I was only at CIW at that prison for twenty months and I left with fifty-seven kronos in my file and thirty-two certificates. I'm not saying that like I'm patting myself on the back. I'm saying it because I had

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CHANGE CLINIC: A TOOLKIT FOR ORGANIZATIONS SEEKING TO PROVIDE PROPOSITION 47 AND OTHER RECORD CHANGE SERVICES 5 (2016), <https://safeandjust.org/wp-content/uploads/CSJ-RecordChange-toolkit-F-ONLINE.pdf> [<https://perma.cc/7D93-9RJ6>] ("In California there are more than 4,800 different restrictions placed on someone with a criminal record. More than half of these (58%) are employment-related, and 73% of the restrictions are lifetime bans.").

to find a way out of my past traumas and pain, and I had. It was the motion of self-discovery. By helping others—that healing just transformed me, my life, and my heart without me even knowing it.

The obstacles on the outside: I'm going to say supervision has been an obstacle.<sup>42</sup> There have been times where I had a wonderful parole officer. She was so wonderful and then she retired and we got this new parole officer who had this idea about the things that I do with The Actors' Gang, being a UCLA Fellow, as well as me speaking in conferences. She just thought I was so big on myself, and so—and she had no idea who I was. That was a challenge, and then she used to talk to other parolees about me. 'I'm fighting to get GPS on these ankle monitors because . . . Wendy took advantage of it.' And they came back and they would tell this story, and I'd said, "yeah, she's talking about me."

BRYONN: What do you mean? What do you mean she took advantage of?

WENDY: She thought I was taking advantage of the ankle monitor because it didn't have GPS. She in turn told a group of fourteen women parolees that I had been taking advantage of the ankle monitor so she was now fighting for GPS to be added. She had no choice but to give me clearance because I had talked to Captain Fields in Sacramento, who was in charge over all ankle monitors in California, about needing clearance to stay at UCLA for four days because of the conference that my fellowship had built. When he contacted her, he told her I was cleared—period—because it would be politically incorrect to not support me and the UCLA Beyond the Bars Conference.

I'd only been out for two months at that point and I actually talked to him about Prop 57 and I told him, "Look, I'm not asking for any freebies or any, you know, 'get-out-of-jail-free card.' I'm not asking any that. I'm asking just for you guys to look into my case and see if I'm eligible." Well, they did. Albert Rivas, who was his right-hand man, he literally walked over on July 1st and put my case in their hands and had me, one of the first people, evaluated and I appreciate that totally. But we've had a relationship ever since. And so, when it came to our conference, the Beyond the Bars

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42. See Joan Petersilia, *Parole and Prisoner Reentry in the United States*, 26 CRIME & JUST. 479, 508 (1999) (describing how parole supervision has been transformed ideologically from a social service to a law enforcement system that prioritizes surveillance over rehabilitation); see also Malcolm M. Feeley & Jonathan Simon, *The New Penology: Notes on the Emerging Strategy of Corrections and its Implications*, 30 CRIMINOLOGY 449, 452 (1992) (describing the rise of a "new penology" less focused on deterring individual misconduct, and more focused on managing risk at the aggregate level).



conference, I needed permission to go and stay. I wasn't allowed to do overnights because I was considered to still be in custody.

BRYONN: What was the Beyond the Bars conference?

WENDY: Beyond the Bars . . . it's the UCLA inaugural Beyond The Bars LA (BTB LA) Fellowship and Conference ("The End of Mass Incarceration")<sup>43</sup> that I applied for once I got out through you and the Justice Work Group, and I was chosen as one of those (BTB LA Fellows). I'm in that fellowship and we built a conference. The theme was "End Mass Incarceration." Our conference that will be being put on next year is "From Criminalization to Liberation." And so, that's my goal: to constantly advocate and to change policy and to do those things. But she became very bitter because I talked him, Albert, and said, "Hey, I need to get to Mr. Fields, Captain Fields, who's the guy over everybody," and I talked to him and I said, "Mr. Fields, you know what I'm doing, I'm in UCLA, I need permission." He goes, "You know what, I'm going to email her right now." So, I basically went over her head and she didn't like that because he told her this is what you're going to do because it would be—this is exactly the words that he used and that my staff at the program told me. He told us and your parole officer that it would be politically incorrect to not allow you to participate, and she disliked that. But that's part of the struggle—that when we rise to the occasion and when we do those things that people would never expect of us, then they think that we're trying to be, you know, big man on campus. No, I'm proud of where I am and I'm not going to allow you to break me down . . .

The other struggle that I would say that I had was housing. When my funding changed, I was homeless and you can remember, I called you desperate. I'm homeless, I don't have any place to go, and I'm not going back . . . to my old life.<sup>44</sup> I'm in my car.

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43. Beyond the Bars fellows and the Justice Work Group at UCLA describe the Beyond the Bars Conference at UCLA as "our inaugural conference to bring together community organizations, activists, policy makers, researchers, students, and those directly impacted by issues of incarceration from across the nation. This conference seeks to join the efforts of individuals and groups in these different sectors all working to end mass incarceration, to bring together our knowledge, experience, and expertise." <https://www.aap.ucla.edu/events/beyond-the-bars>. The Justice Work Group indicates that "our goal is not only for us to educate and engage one another, but to form lasting working relationships and inspire each other into action and create genuine social change." *Id.* See Mihika Sridhar & Lia Cohen, *Beyond the Bars LA: The End of Mass Incarceration*, FEM NEWSMAGAZINE (Oct. 19, 2017), <https://femmagazine.com/beyond-the-bars-la-the-end-of-mass-incarceration> [<https://perma.cc/XV5F-YPLG>] (providing a summary of the conference events and panels).

44. See Symposium, Notes from the Field: Challenges of Indigent Criminal Defense, 12 N.Y. C. L. REV. 203 (2008) (noting how returning to associate



I'm no longer at the program. It was very difficult. When I left the program, I was now off parole and on probation. Due to me being homeless and not having an address, they put an ankle monitor right back on me. According to probation, I was now a high risk probationer because I was "homeless." They have the homeless show up every Tuesday behind the building. This came right out of the mouth of probation—because we don't want all those homeless people standing on the street where everybody can see them. That's what I was told. I'm telling you there's probably, when I was there, probably hundred and that's not including the people that came when I wasn't there. But they don't want those homeless people standing on the street where everybody can see them. Now it's just ridiculous the way that they treat people. The program eventually found me a bed in their sober living and my probation pays for it. However, probation mandated me to quit college.<sup>45</sup>

The struggle for me inside was not hard. Outside it got a little more challenging because of what, like Jennifer said is that, you've worked so hard to find this place of comfort within yourself, like being in my own skin and to like myself. It felt so good and so routine and all of a sudden you go out and you have nothing to do. The program I was in, there was no walking. We walked everywhere in prison. The prison facility was eleven acres. I went to walking everywhere to walking nowhere.

BRYONN: Did you have any issues finding housing?

JENNIFER: So many issues. I had set everything up—place to live, job, et cetera—about nine months before I paroled. Unfortunately, about four months before I was to leave, I was told I couldn't go where all my support was. I was sent to a different county, one where I had no one and no support. My brother tried for months before I got out to find me a place to live—a sober living, residential program, treatment program, transitional housing, anything—but to no avail. Most of the programs for women are aimed towards mothers to aid in family reunification. This is a beautiful and much needed service.

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with the same individuals that were a "bad influence" on their lives prior to being incarcerated can increase a former inmate's likelihood of recidivism).

45. Many people who have been incarcerated may also face restrictions on the ability to secure government funding for education. See 20 U.S.C. § 1091 (r)(1) (2000) (describing student ineligibility for government higher education funding based on convictions for possession or sale of controlled substances); see also Deborah N. Archer & Kele S. Williams, *Making America "The Land of Second Chances": Restoring Socioeconomic Rights for Ex-Offenders*, 30 N.Y.U. REV. L. & SOC. CHANGE 527, 533–44 (2006) (describing various limits on access to grants, loans, work-study, and other forms of higher education funding faced by those with prior convictions involving fraud).

Unfortunately, I was not accepted into those programs because I was not bringing my children with me. More programs denied me because there was nothing in my file to say I had any kind of drug or alcohol problem, so I couldn't go to any treatment programs.<sup>46</sup> My brother talked with some places that said I needed to speak with them when I was released. When I did, there were no beds available. For the first week and a half, I stayed in a hotel that my family paid for. If I hadn't had their support, I would've been sleeping on the streets. My brother had contacted a sober living before I was released, and they told him no because they didn't have any felons there.<sup>47</sup> On a whim, I contacted them to plead my case and the woman agreed to let me live there. While all this was happening, I did not receive any help from my counselors at the prison or my parole officer after I got out.<sup>48</sup>

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46. See generally JEREMY TRAVIS, *INVISIBLE PUNISHMENT: AN INSTRUMENT OF SOCIAL EXCLUSION*, in *INVISIBLE PUNISHMENT: THE COLLATERAL CONSEQUENCES OF MASS IMPRISONMENT* 1, 15–36 (discussing the invisible consequences of incarceration—offenders can be denied public housing, welfare benefits, the mobility to access jobs that require driving, parental rights, and the ability to obtain an education); David J. Harding et al., *Homelessness and Housing Insecurity Among Former Prisoners*, 1 *THE RUSSELL SAGE FOUNDATION J. OF THE SOC. SCI.* 2, 44–79 (2015) (exploring the relationship between housing insecurity and prisoner reentry, focusing on mental illness, substance use, prior incarceration, and homelessness, as well as protective “buffers” against insecurity and homelessness, such as earning and social supports).

47. See Rebecca Oyama, Note, *Do Not (Re)Enter: The Rise of Criminal Background Tenant Screening as a Violation of the Fair Housing Act*, 15 *MICH. J. RACE & L.* 181, 181–222 (2009) (suggesting that the increased reliance on criminal background information in the application process by private housing providers pose difficult obstacles for ex-offenders trying to secure housing). But see U.S. DEP'T OF HOUSING & URBAN DEVELOPMENT, OFFICE OF GENERAL COUNSEL GUIDANCE ON APPLICATION OF FAIR HOUSING ACT STANDARDS TO THE USE OF CRIMINAL RECORDS BY PROVIDERS OF HOUSING AND REAL ESTATE-RELATED TRANSACTIONS (2016) (issuing “guidance address[ing] how the discriminatory effects and disparate treatment methods of proof apply in Fair Housing Act cases in which a housing provider justifies an adverse housing action—such as a refusal to rent or renew a lease—based on an individual’s criminal history”).

48. See Anthony C. Thompson, *Navigating the Hidden Obstacles to Ex-Offender Reentry*, 45 *B.C. L. REV.* 255–306 (2004) (“[T]he sort of guidance or help that one might imagine a parole officer could supply too often was rendered impossible due to case overload and a lack of both will and resources to engage in any meaningful intervention in the lives of individuals released on parole. Thus, even under a traditional model, society has relied on ex-offenders largely to manage their own reintegration.”); Jennifer E. Cobbina, *Reintegration Success and Failure: Factors Impacting Reintegration Among Incarcerated and Formerly Incarcerated Women*, 49 *J. OF OFFENDER REHABILITATION* 210, 227–28 (2010) (“[W]hen the relationship between supervising officers and offenders [is] characterized by trust and fairness it makes it possible for women to divulge their problems and discuss how to solve them with their supervising officer . . . . [But] unsupportive parole officers made reintegration challenging, as they failed to provide them with assistance.”).

It was essentially all up to me to find what few resources are available to women.<sup>49</sup>

BRYONN: Were you able to find work after you were released?

WENDY: I obtained part time employment with The Actors Gang . . . a theater troupe that did volunteer work in prison. I had been in their program while incarcerated. I am currently seeking full-time employment and have run into barriers because of my felony record.

BRYONN: Do you think the prison education programs helped?

JENNIFER: I believe the education programs did help. I was incarcerated for a little over ten years and really knew nothing about the workforce in the “free world.” The programs at the prison taught me how to put together a decent resume, answer tricky questions in an interview, et cetera. More than that, the education programs help build a better sense self. I was able to create a real confidence inside of me, not some false confidence that I previously had lived off of for too long. With that confidence, I was emboldened to stick my neck out, to apply to jobs I thought were above me. I learned things about myself I never knew. I grew in unmeasurable ways. I was also able to take the numerous rejections and move on from them, not get stifled and hopeless. Yes, it was discouraging, but I had to tell myself that it was not a reflection of my skills, talents, or even me as a human being. With all the knowledge I gained from the education programs, I could see the logic behind such decisions, painful as it was. Without those education programs, I am afraid to imagine where I would be at now, geographically, mentally, emotionally.

BRYONN: I'm really grateful for all that time and effort that you have committed to make sure that we get your stories out. So other folks can hear from the experience, learn from the experience, and I just want to offer you a chance to give any final thoughts or words on what you gained through the process and any words of wisdom or insight you would offer to other women or folks who are reading this interview in the days ahead.

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49. For a discussion of reentry programs and specific challenges that women face in reentry, see generally Sara Malley & Jennifer R. Scroggins, *Reentry and the (Unmet) Needs of Women*, 49 J. OFFENDER REHABILITATION 146 (2010) (finding that “currently available reentry programs do not sufficiently meet the needs of postincarceration women”). <https://www.prisonerreentrynetwork.org/resources/reentry-resources> or <https://exoffenders.net/reentry-programs-assistance/california>. See also *infra* Appendix B.

WENDY: There's a movement right now where people are not having it anymore. They really are realizing the injustices that are happening behind bars. If you're inside, do something different: go find some arts, do something that you normally wouldn't do because there are people there that want to help you. I'm forty-nine years old and I feel like I finally know what I want to be when I grow up. It took forty-nine years to get here, but I'm so proud of myself because I'm a survivor. I've made it through the worst of traumas and I'm just proud to know the people I know and know that they're my family. I can come to any one of them . . . . And having my daughter back in my life . . . my twins aren't ready yet, but that will come as long as I keep doing what I'm supposed to do. I don't have to prove anything to anybody, which is what I've always tried to do. I needed love and attention and I always had to prove myself and now I don't because I know who I am. I think it's amazing.

Because of all the things I have done and all the connections that I made, I have learned so much about myself and the direction I want my life to go in. I don't have to live a nine-to-five life running on the same track every day. I could make it what I want to make it. And if I say, "oh I totally want to do this" and decide later I don't, that's okay. I do something else because I have all these different tools now that I didn't have before.

JENNIFER: And then another thing that I would say is you just have to stay connected. I'm all the way out in San Diego . . . so it's hard. It's really hard at times, but staying connected to the people, the connections you made inside . . . like networking is the biggest thing that I could ever push on anyone. It's so important to network and it doesn't have to be like job opportunities. It could just be like people who you connect with like Wendy and I. We both were incarcerated together; we connect in many different levels. But I mean, it's . . . it's just important to stay connected to people because you're not so alone in the world and you can just feel feelings and it's okay. I hate to feel feelings, but when I'm connected with people who I've shared some experiences with or just talked about some things with, then it's okay and then that world doesn't seem so dark . . . . I can just be okay with everything.

BRYONN: I love that as you're saying that, you're giving Wendy your telephone number on her cell phone. [Laughs]

JENNIFER: I was thinking actually, like do I really have her phone number?

BRYONN: And now there you are connected and making the connection happen as you tell folks that you do it, you're like

actually, good at being the change that you want to see in the world . . .

Thank you both for making time for this. I just want to say I feel really blessed and honored. This dialogue has been so valuable and I know it's going to be appreciated by so many folks who look at it. And I just want to let you both know that if you don't know already, that I am on Team Wendy and I'm on Team Jennifer for the long haul and so I'm grateful for this time. Thank you for this time and I look forward to many more conversations to come.

JENNIFER: Absolutely.

WENDY: That's the difference right, for my life. Can I just say one more thing—it does not to be have to be on record—but I know I said this before at the What It Iz “talk back.” Jennifer said something in a circle of The Actor's Gang one day where she said, “you know what I discovered is that I don't have to judge people and I don't have to stay away from them either; I can just love them right where they are.” It was like an epiphany for me because that's how I felt but I just hadn't put it in words yet. That day I became connected to Jennifer. Look at us today.

## APPENDIX A

## WHAT IT IZ

Poem by: Little Wendy Woo

What it iz  
And What it izn't  
I'm just trying to be the biggest  
Person I know how to be

Watching the sunrise  
And the sunset  
Trying never to forget  
Why I'm here on this pier  
protected from the storm's waves  
New roads new paths  
Trying to be paved

Man what the hell  
Is wrong with us  
All this racism  
And prejudice  
Some see skin  
Some see color  
And others see race . . . .  
But me . . .  
I just see that beautiful person  
In that face

You say vaginal walls  
I say . . .  
They don't define me  
All they've done is  
Keep the man  
Inside of me  
Too bad it couldn't  
Hold him down  
Or keep him from beatin on me  
Or sleepin around  
I don't know  
Maybe a man  
Could be trust worthy  
Instead of him  
Always having to  
Send me away on a gurney

What it iz  
And what it izn't  
I'm just trying to be the biggest  
Woman I know how to be

Trying to overcome  
Childhood trauma  
Escaping the  
Gossip and the drama  
Not small growing tall  
Cause dammit I have  
A voice after all.

Never again  
To be silenced  
By the rage  
And the violence  
I'm like a timex  
I keep on ticking  
Surviving the beatens  
And the lickens  
Soaring like eagles  
With majestic grace  
Discovering a new realm  
And a warm safe place.

What it iz  
And what it izn't  
I'm just trying to be the biggest  
Mother I know how to be

Won't let my kids  
Be eaten by the streets  
Or deny my mistakes  
For them to repeat  
Hourglass time ticks  
Away as they grow  
But a brand new mother  
They soon will know  
I'm healed  
I'm strong  
And I'm very humble  
Foundation firm  
No chance to crumble

The daughter  
 And sons  
 That God gave to me  
 Will soon see  
 The restoration  
 That He's done in me  
 No skeletons  
 In closets  
 For me to hide  
 Transparency is how  
 Angels fly

What it iz  
 And what it izn't  
 It just . . .  
 Iz what it iz

#### ABOUT THE AUTHOR

In addition to being a formerly incarcerated person, Wendy Staggs also worked as a substance abuse counselor within the prison system. Having overcome her own trauma, she has a desire to speak for those who have been silenced not only by their trauma, but by our failing judicial and prison system. Her journey of self-discovery was nurtured by way of participating in the Arts while incarcerated. She has become an outspoken driven force who will not stop speaking out until there is some resolve. Today, Wendy is an Inaugural 2017 UCLA Beyond



the Bars Fellow, and is currently enrolled at Mount San Antonio College studying Communications. Wendy is also an Alumni teaching artist for The Actors Gang Prison/Reentry Project, a member of The Anti-Recidivism Coalition and California Coalition for Women Prisoners. Speaking in conferences across the state of California, Wendy has truly found her niche as an activist.



## APPENDIX B

CALIFORNIA INSTITUTION FOR WOMEN THINK TANK  
UCLA SCHOOL OF LAW INTERNATIONAL HUMAN RIGHTS  
CLINICHUMAN RIGHTS REPORT ON HOUSING AND EMPLOYMENT FOR  
WOMEN REENTERING LOS ANGELES

## EXECUTIVE SUMMARY

*Author's Note:*

*In 2003, Los Angeles joined a cohort of cities that have taken the lead in demonstrating that local government can and should be influential human rights actors in the pursuit of gender equality. It adopted a city ordinance that brings to the local level a human rights-based approach to ending gender discrimination and achieving the full empowerment of women and girls. The UCLA School of Law International Human Rights Clinic (IHRC), led by a group of incarcerated women at the California Institution for Women known as the "Think Tank," and with the support of the Mayor's Office of Reentry, has taken an important step in unlocking the potential of LA's commitment to gender equality by focusing specifically on the needs of formerly incarcerated women reentering Los Angeles communities. Together they have produced a report that puts forth a guide and set of recommendations for ensuring that reentering women have access to housing and employment.*

*The report represents groundbreaking work led by those directly affected by reentry policies, and offers a novel model of policy advocacy that centers their expertise and needs. Professors E. Tendayi Achiume and Joseph Berra of the IHRC and Professor Bryonn Bain of the UCLA Department of World Arts and Cultures/Dance guided and supervised this project. The report analyzes the services currently available to women upon reentry and makes recommendations based on the application of human rights principles. The public launch of the report is scheduled for November 30, 2018.*

## ABOUT THE AUTHORS: THE CIW THINK TANK AND THE IHRC

The women of the CIW Think Tank, in collaboration with the International Human Rights Clinic (IHRC) at UCLA School of Law, designed and developed this report addressing the realities and needs of women reentering after incarceration. The CIW

Think Tank is comprised of twelve women from a variety of racial, socioeconomic, and academic backgrounds, creating a diverse group that brings the voices of multiple populations to the discussion. The group was created to pursue higher education programming and opportunities with the UCLA Prison Education Program. As part of that program, this collaboration with the UCLA IHRC was incubated to explore a human rights approach to reentry after incarceration.

The IHRC at the UCLA School of Law trains students in the theory and practice of human rights law under the supervision of international human rights lawyers. IHRC students collaborate with international and domestic human rights organizations on a variety of projects each semester, with the goal of providing legal and advocacy expertise to these organizations.

The CIW Think Tank produced this HUMAN RIGHTS REPORT ON HOUSING AND EMPLOYMENT FOR WOMEN REENTERING LOS ANGELES, following a methodology based on direct participation, intersectionality, and indivisibility of rights, through a collaborative production process with the IHRC.

## INTRODUCTION

The CIW Think Tank identified housing and employment as two urgent priorities that serve as the focal points of the Report. The vision articulated herein defines the existing human rights standards to housing and employment for reentering women and recommends steps that the Mayor's Office of Reentry and other public authorities must take to realize these rights fully. The human rights framework not only provides reentering women a means to articulate their dreams for a just and equitable city, but it also provides a means for government actors to respond and help realize these dreams.

The Report adopts an intersectional approach to evaluating the needs and concerns of women which considers historical patterns of discrimination and the particular challenges faced by formerly incarcerated women in reentering Los Angeles. Directly impacted populations, i.e. people currently incarcerated at CIW, have led the development of the Report. This Report represents a current statement of the lived realities of formerly incarcerated women and contemporary human rights norms which bind the City of Los Angeles in fulfilling its duties to incarcerated women.

### APPLYING A HUMAN RIGHTS APPROACH TO REENTRY

The CIW Think Tank led the process of giving voice to the principal concerns of incarcerated women anticipating reentry in Los Angeles and consulted with other women incarcerated at CIW to provide the insights that are incorporated in the Report. As a result, its production manifests one of its central claims: participation from directly impacted populations is key to the actualization of human rights. This work was completed through the UCLA Prison Education Program at CIW, which seeks in part to equip women for reentry by providing higher educational opportunities while they are incarcerated. Students in the IHRC drafted the Report with the CIW Think Tank's direction, under the supervision of Professor E. Tendayi Achiume, and with the vital assistance of Professor Bryonn Bain.

### THE FRAMEWORK IN LOS ANGELES

In 2003, the City of Los Angeles adopted an Ordinance to provide for the implementation of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which provides a legal basis for the city to implement the standards set by CEDAW within its jurisdiction.<sup>1</sup> In adopting this ordinance, the City of Los Angeles has committed to the local implementation of an instrument that guarantees equality for women and girls in all arenas. This requires an approach grounded in human rights when creating policies on the housing and employment needs of reentering women.

The Report provides clarity on the realization of substantive equality for women through an analysis of the broader international human rights framework. To give full meaning to the CEDAW Ordinance requirement that state actors realize the human rights of women, "human rights" must be understood as articulated in seminal international human rights instruments such as the Universal Declaration of Human Rights (UDHR),<sup>2</sup> the International Covenant on Civil and Political Rights (ICCPR)<sup>3</sup> and the International Covenant on Economic, Social and Cultural Rights (ICESCR).<sup>4</sup>

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1. CITY OF L.A., CAL., Ordinance 175735 (2003), implementing the provisions of the Convention on the Elimination of All Forms of Discrimination Against Women, G.A. Res. 34/180, art. 11, U.N. Doc. A/34/46 (Sept. 3, 1981).

2. Universal Declaration of Human Rights, G.A. Res. 217A (III), U.N. Doc. A/810 (Dec. 10, 1948).

3. International Covenant on Civil and Political Rights, G.A. Res. 2200A (XXI), 21 U.N. Doc. A/6316 (Mar. 23, 1976).

4. International Covenant on Economic, Social and Cultural Rights, G.A. Res. 2200A (XXI), U.N. Doc. A.6316 (Jan. 3, 1976).

## HUMAN RIGHTS STANDARDS FOR WOMEN'S REENTRY

*Housing*

In the CEDAW Ordinance, the City of Los Angeles commits "to ensure, on the basis of equality between men and women the right to equal access to housing."<sup>5</sup> It further states that "it is the goal of the City of Los Angeles to implement the principles underlying CEDAW by addressing discrimination against women in housing."<sup>6</sup> While the ordinance does not guarantee women access to housing, the commitment to CEDAW's underlying principles should be understood by local government authorities to require that they respect and promote women's human rights in a way that ensures maximum access to this basic human necessity. The ICESCR Committee, the treaty body charged with interpreting ICESCR and monitoring state obligations, has provided further guidance on the meaning of "adequate housing" in its General Comment 4.<sup>7</sup> The Comment explains that the right to adequate housing has at least seven characteristics: security of tenure, availability of services, affordability, accessibility, cultural adequacy, location, and habitability. The first five are highlighted and examined in the report.

Women's access to housing is first and foremost determined by affordability and accessibility. Affordability means that the cost of housing must not compromise one's ability to afford other necessities and must be commensurate with income levels. Accessibility requires that state actors remove barriers to accessing housing, especially those that affect vulnerable groups. Vulnerable groups should be ensured some degree of priority consideration in the housing sphere. Access should additionally be enhanced through dedication to education, empowerment, and access to information.

*Employment*

The ability of individuals to be self-sufficient and attain an adequate standard of living cannot be divorced from the right to work. This is particularly true of vulnerable populations subject to exclusionary and discriminatory policies that impede them from entering the labor market. Article 11 of CEDAW states that the right to work is "an unalienable right of all human beings," and requires state parties to take measures to eliminate discrimination

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5. Ordinance 175735, *supra* note 1.

6. *Id.*

7. U.N. Comm. on Econ., Soc., & Cultural Rights, General Comment 4 on the Right to Adequate Housing (Art. 11 (1) of the Covenant), ¶ 12, U.N. Doc. E/1992/23 annex III at 91 (Dec. 13, 1991).

related to employment.<sup>8</sup> More detailed guidance on the content of the right to work can be drawn from the ICESCR Committee, which makes clear that ensuring this right requires fulfilling three major elements: (1) availability; (2) accessibility; and (3) acceptability and quality.<sup>9</sup>

## CHALLENGES AND OBSTACLES TO COMPLIANCE

### *Housing*

For incarcerated women preparing to reenter society, adequate housing is a key determinant of successful reentry. In accessing housing, reentering women might use either transitional housing programs, public housing or private rentals. Each has its own challenges. Common concerns raised across the various options are challenges of reuniting with children and families, unaddressed and unmanaged trauma, as well as insecurity of tenure due to restrictive policies, or arbitrary exclusions, and threats created by environmental factors in the communities to which they return.

The Housing Authority of the City of Los Angeles (HACLA) administers United States Department of Housing and Urban Development (HUD's) housing programs within the city limits of Los Angeles. This includes federally administered public housing and the Section 8 voucher program. Both of these programs have strict eligibility guidelines for persons with past criminal justice involvement that prevent some women from gaining or retaining access to the program. HACLA has partnered with three community-based organizations to administer the Section 8 Pilot Reentry program that allows families on the Section 8 Voucher Program to reunite with formerly incarcerated family members on release.<sup>10</sup> However, this program has yet to reach its full potential. Many families do not fulfill their participation requirements for the Section 8 Pilot Reentry Program because they are either unwilling to reunite with their formerly incarcerated family members or unable to complete the full year requirement of supportive services.

Another major barrier reentering women face in accessing housing is the unwillingness of landlords, housing providers, and community residents to allow formerly incarcerated persons to

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8. Convention on the Elimination of All Forms of Discrimination Against Women, G.A. Res. 34/180, art. 11, U.N. Doc. A/34/46 (Sept. 3, 1981).

9. U.N. Comm. On Econ., Soc., & Cultural Rights, General Comment 18 on the Right to Work, ¶ 12(c), U.N. Doc. E/C.12/GC/18 (Nov. 24, 2005).

10. HOUS. AUTH. OF THE CITY OF L.A. (HACLA), SECTION 8 ADMINISTRATIVE PLAN 13-1 (2015), <http://home.hacla.org/Portals/0/Attachments/Public%20Documents/S8%20AP%202016%20October%202015.pdf>.

return to their communities. While California law has created the obligation to promote nondiscrimination in the provision of housing,<sup>11</sup> the current iteration of the law does not adequately address the discrimination that reentering individuals face when looking for housing.

Transitional housing programs have strict rules that are often arbitrarily enforced and that put women at constant risk of being removed from housing. Ideally, transitional housing for reentering women would take an approach more in line with the City of Los Angeles' "housing first" approach to homelessness, which removes barriers to housing access such as onerous zero tolerance rules against substance abuse.<sup>12</sup> Such an approach recognizes that stable housing is a prerequisite to addressing deeper systemic issues, such as homelessness and the cycles of trauma experienced by criminal justice-involved women.

There is insufficient support for women families and their communities as they reenter Los Angeles. A culturally adequate reentry policy would start while the reentering family member is still incarcerated, to allow for the "receiving" family to adequately prepare for their incarcerated family member's return and alleviate some of the tensions that arise immediately upon family reunification.

### *Employment*

Accessing stable employment is a concern for reentering women far prior to the end of their incarceration. A woman's ability to access and succeed in employment is impacted by her educational level and experiences of trauma. Challenges experienced by the CIW Think Tank members involved access to education and information while incarcerated, and to finding and securing employment after release. Low job readiness and low job retention among returning women are prevalent and indicate an inadequate system of employment resources. Both raise serious concerns, given the significant connection between employment and recidivism. The criminal justice system provides insufficient resources to individuals both during incarceration and upon reentry. To reduce recidivism, institutional programs that help prepare individuals to

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11. The Department of Fair Employment and Housing (DFEH) instructs that it is unlawful "[f]or the owner of any housing accommodation to discriminate against or harass any person because of the race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, or genetic information of that person. CAL. GOV'T CODE § 12955(a).

12. *Housing First*, Off. of Los Angeles Mayor Eric Garcetti <https://www.lamayor.org/housing-first> (last visited May 6, 2018)

meet their basic needs upon reentry are essential. Thus, educational programs should help build not only technical skills, but also soft skills that will allow previously incarcerated women to reintegrate into society successfully.

Despite amendments to California's open access laws, change has been slow and a large portion of courses offered in prisons remain distance courses.<sup>13</sup> Correspondence courses and in-person programs present further obstacles as women at CIW do not have computer access, so incarcerated women applying for enrollment in programs must do so by hand. This drastically slows down the application process, causing many students to self-withdraw. Correspondence courses at CIW also pose a challenge for women who enter prison with low levels of literacy or whose trauma or other conditions make self-study especially difficult.

Upon release, job opportunities are more limited for returning women than for returning men. A large portion of the California Prison Industry Authority (CALPIA) work programs remains contracted work by private companies who, on the outside, are resistant to hiring formerly incarcerated women.<sup>14</sup> Women who attain certification from career technical education courses also have no guaranteed employment upon graduation and parole. Moreover, most available jobs for formerly incarcerated individuals are hard labor jobs in fields dominated by men—such as construction and manufacturing—that tend to be less concerned about prior incarceration.<sup>15</sup> Many returning women are not capable of accepting these jobs due to physical and social barriers.

About 80 percent of Los Angeles employers refuse to hire applicants with prior convictions.<sup>16</sup> Unlawful inquiry about prior convictions on job applications is one of the main employment

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13. S.B. 1391, Chapter 695 (Cal. 2014), [http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201320140SB1391#](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201320140SB1391#). In-person courses in prisons and jails violated open access laws prior to the amendment as courses inside institutions would not be open to the general student population. The passing of SB 1391 in California allowed community colleges in-person access to and offered full funding for courses in prisons. STANFORD LAW SCH. & BERKELEY LAW, DEGREES OF FREEDOM: EXPANDING COLLEGE OPPORTUNITIES FOR CURRENTLY AND FORMERLY INCARCERATED CALIFORNIANS 11 (2015), [https://www.law.berkeley.edu/files/DegreesofFreedom2015\\_FullReport.pdf](https://www.law.berkeley.edu/files/DegreesofFreedom2015_FullReport.pdf).

14. See Cal. Prison Industry Authority, Report to the Legislature Fiscal Year 2008–2009 11 (2009).

15. Barbara E. Bloom, Meeting the Needs of Women in California's County Justice Systems 11 (2015).

16. Michael A. Stoll & Shawn D. Bushway, *The Effect of Criminal Background Checks on Hiring Ex-Offenders*, 7 CRIMINOLOGY & PUB. POL'Y 3 371, 383 (2008).

obstacles formerly incarcerated individuals face nationally. California has banned state and local governments from asking for conviction information until an offer of employment has been made, and this restriction has been extended to the private sector.<sup>17</sup> Although efforts are underway to shift the prejudices and misplaced concerns that many employers have against criminal justice-involved applicants, employment resources and opportunities necessary for successful reentry remain unavailable and inaccessible.

### CONCLUSION AND RECOMMENDATIONS

The following general recommendations provide important guidance to local authorities for achieving a human rights-compliant housing and employment reentry policy for women and realizing the CEDAW Ordinance's commitments. They are a synthesis of insights and vision from the CIW Think Tank, as well as the various community partners and stakeholders who were consulted in the production of the Report. More specific recommendations are considered recommendations section of the Report.

#### *General Recommendations on Reentering Women's Right to Housing*

Los Angeles local authorities must develop a housing strategy which "defines the objectives for the development of shelter conditions, identifies the resources available to meet these goals and the most cost-effective way of using them and sets out the responsibilities and time frame for the implementation of the necessary measures[.]"<sup>18</sup>

Los Angeles local authorities must promote participation of and consultation with affected groups in the development of strategies of implementation of the right to housing. Meeting this obligation will require creating accessible and effective mechanisms through which currently and formerly incarcerated women can engage in meaningful dialogue with policymakers.

Los Angeles local authorities must refrain from gender discrimination in the creation of housing policy and its implementation. This necessitates using a "gender-responsive approach" that takes gender into account to address differences in the experiences of formerly incarcerated men and women.

Los Angeles local authorities must coordinate with other spheres of local government, such as the County of Los Angeles,

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17. CAL. GOV'T CODE § 12952.

18. U.N. Comm. on Econ., Soc., & Cultural Rights, General Comment 4 on the Right to Adequate Housing (Art. 11 (1) of the Covenant), ¶ 12, U.N. Doc. E/1992/23 annex III at 91 (Dec. 13, 1991).



municipalities within LA County, and other neighboring jurisdictions, to harmonize their work with the housing strategy.

*General Recommendations on Reentering Women's Right to Employment*

Los Angeles local authorities must “refrain from denying or limiting equal access to decent work for all persons, especially women disadvantaged and marginalized individuals and groups, including prisoners or detainees[.]”<sup>19</sup> Both incarcerated and formerly incarcerated women require equal access to decent work.

Los Angeles local authorities must consult and partner with women facing reentry to assess their needs and collaboratively formulate and implement future policy to ensure equality and employment opportunities.

Los Angeles local authorities must develop a plan to ensure reentering women have effective access to information concerning their rights and available resources with respect to employment.

Los Angeles local authorities must protect reentering women from employment discrimination by holding violators accountable and developing a plan to eliminate practices and biases that disadvantage them.

Los Angeles local authorities must take effective measures to promote equal job access, training, and opportunities for reentering women, including developing and adopting necessary legislation.

Los Angeles local authorities must form a plan to fulfill the right to work for reentering women who face barriers. The formation of this plan should involve the participation of reentering women and outline how Los Angeles will overcome unemployment.

Los Angeles local authorities must develop educational programs for reentering women, to increase their access to employment opportunities.

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19. U.N. Comm. On Econ., Soc., & Cultural Rights, General Comment 18 on the Right to Work, ¶ 42, U.N. Doc. E/C.12/GC/18 (Nov. 24, 2005).